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COUNTY OF LOS ANGELES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,

Petitioner/Plaintiff,

v.

ALEX VILLANUEVA, Sheriff of Los Angeles County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive,

Respondents/Defendants.

CASE NO. 19STCP00630

DECLARATION OF LOUIS R. MILLER IN SUPPORT OF SUPPLEMENTAL BRIEF RE MOTION FOR PRELIMINARY INJUNCTION

Filed Concurrently with Supplemental Brief; and Declaration of Lisa. M. Garrett; and [Proposed] Order

Date: August 16, 2019
Time: 9:30 a.m.
Dept.: 86

Assigned for All Purposes to:
The Hon. Mitchell L. Beckloff, Dept. 86

Action Filed: March 4, 2019
Trial Date: None set

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DECLARATION OF LOUIS R. MILLER

I, Louis R. Miller, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Miller Barondess, LLP, counsel of record for Petitioner/Plaintiff County of Los Angeles ("County"). I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to all of said facts. I make this declaration in support of the County's Supplemental Brief Re Motion For Preliminary Injunction.

2. A true and correct copy of the transcript from the deposition of Alicia Ault is attached hereto as **Exhibit A.**

3. A true and correct copy of the transcript from the deposition of Ray Leyva is attached hereto as **Exhibit B.**

4. A true and correct copy of the transcript from the deposition of John Naimo is attached hereto as **Exhibit C.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 17th day of July, 2019, at Los Angeles, California.

Louis R. Miller

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EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,	)	
	)	
PETITIONER/PLAINTIFF,	)	CASE NO.
	)	19STCP00630
vs.	)	
	)	
ALEX VILLANUEVA, SHERIFF OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; CAREN CARL MANDOYAN, AN INDIVIDUAL; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; AND DOES 1 THROUGH 10, INCLUSIVE,	)	
	)	
RESPONDENTS/DEFENDANTS.	)	
_____	)	

VIDEOTAPED DEPOSITION OF ALICIA AULT
TAKEN THURSDAY, MAY 23, 2019
LOS ANGELES, CALIFORNIA

Reported by Audra E. Cramer, CSR No. 9901
Job No. 3382217
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,	)	
	)	
PETITIONER/PLAINTIFF,	)	CASE NO.
	)	19STCP00630
vs.	)	
	)	
ALEX VILLANUEVA, SHERIFF OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; CAREN CARL MANDOYAN, AN INDIVIDUAL; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; AND DOES 1 THROUGH 10, INCLUSIVE,	)	
	)	
RESPONDENTS/DEFENDANTS.	)	
_____	)	

VIDEOTAPED DEPOSITION OF ALICIA AULT, TAKEN ON BEHALF OF THE LA COUNTY SHERIFF'S DEPARTMENT, AT 9:03 A.M., THURSDAY, MAY 23, 2019, AT 865 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA, BEFORE AUDRA E. CRAMER, CSR NO. 9901, PURSUANT TO NOTICE.

APPEARANCES OF COUNSEL

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ALSO PRESENT:

DAVID WEST, VIDEOGRAPHER

I N D E X

WITNESS
ALICIA AULT

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LOS ANGELES, CALIFORNIA;

THURSDAY, MAY 23, 2019, 9:03 A.M.

THE VIDEOGRAPHER: Good morning. We are on the record. The time is 9:03 a.m. The date today, May 23, 2019. 09:02

Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference. Please turn off all cell phones or place them away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record. 09:02

This is Media Unit 1 of the video-recorded deposition of Alicia Ault, taken by counsel for plaintiff -- no, defendant. 09:03

MR. MILLER: No, for defendant.

THE VIDEOGRAPHER: Okay. Thank you.

-- counsel for defendant, in the matter of County of Los Angeles versus Alex Villanueva, et al., filed in Superior Court of the State of California, County of Los Angeles, Case No. 19STCP00630. The deposition is being held at 865 South Figueroa Street, 10th Floor, 09:03

Los Angeles, California. We are currently on the third floor.

My name is David West. The court reporter is Audra Cramer. We are from Veritext Legal Solutions. I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome.

Counsel will now state their appearances and affiliations for the record. If there are any objections to proceeding, please state them at the time of your appearance.

MR. GORDON: John Gordon for respondents and defendants Alex Villanueva and LA County Sheriff's Department, and with me is Chief Lawrence Del Mese of the Los Angeles County Sheriff's Department.

MR. MILLER: And I'm Skip Miller. I'm representing the plaintiff and I'm representing Ms. Ault.

MS. SANCHIRICO: Emily Sanchirico, also for the county and Ms. Ault.

THE VIDEOGRAPHER: Thank you.

The court reporter may now swear the witness in, and we will proceed.

ALICIA AULT,

having been first duly sworn, was examined and testified as follows:

MR. MILLER: Before you start, I have a couple of preliminary matters.

Pursuant to your subpoena, we're producing documents that I've marked Bates-stamped AULT 00001 versus 45, and I'm going to hand them to you right now.

The second question I have is by what authority is Mr. Del Mese present at this deposition?

MR. GORDON: He's --

MR. MILLER: He's not a party. He's not a defendant.

MR. GORDON: He's the --

MR. MILLER: He's not the sheriff.

MR. GORDON: He's the client representative for Los Angeles County Sheriff's Department.

MR. MILLER: And what's his capacity?

MR. GORDON: What do you mean what's his capacity? He's a chief at the Los Angeles County Sheriff's Department.

MR. MILLER: Chief of? I'd like to know his -- what he does there. 09:05

MR. GORDON: Do you have a card?

MR. DEL MESE: I do.

MR. MILLER: That'd be great.

Okay.

MR. GORDON: Can I see it? 09:06

Lawrence Del Mese is a chief of the LA County Sheriff's Department.

MR. MILLER: Okay. Thank you.

EXAMINATION

BY MR. GORDON:

Q. Ms. Ault, have you ever been deposed before?

A. Yes.

Q. About how many times? 09:07

A. About four.

Q. And were those in criminal cases?

A. No.

Q. Administrative cases?

A. Yes. 09:07

Q. All four were in administrative cases involving LA County Sheriff's Department? 09:07

A. Yes.

Q. And what was your role as a witness in the first of those four cases? 09:07

A. So in most of the cases, my role was to be that of a subject matter expert on whatever the deposition was related to.

Q. And were any of them depositions involving LASD matter in which you were not a subject matter expert? 09:07

A. No. My recollection is I was there as a subject matter expert on all those instances.

Q. Now, you understand that this deposition will be under oath; right? 09:08

A. Absolutely.

Q. And you understand you will be subject to penalties of perjury if you intentionally make a false statement under oath; right?

A. I do. 09:08

Q. And you were placed under oath in your prior approximately four depositions; right?

A. Correct.

Q. Now, I'll be asking you questions, and your counsel may object, but unless he instructs 09:08

you not to answer and you abide by that instruction, you're required to answer my questions.

Do you understand that?

A. I do.

Q. Are you represented by an attorney today?

A. Yes.

Q. Who is that?

A. Mr. Miller.

Q. And he's the gentleman sitting next to you?

A. He is.

Q. Now, you must answer questions audibly or with words.

You understand that nods or shakes of the head can't be transcribed by the reporter; right?

A. I do.

Q. Now, the court reporter is transcribing this deposition, and she can take down the words of only one speaker at a time. So please wait until I finish my question before answering, and I'll wait until you finish answering before asking my next question. Okay?

A. Okay. 09:09

Q. Please ask for clarification if you don't understand a question of mine, and I will do my best to rephrase it. If you answer the question, it will be assumed that you understood 09:09 it.

Do you understand that?

A. Yes.

Q. Now, if you need a break, let me know, but you need to answer any pending question 09:09 before we break unless you need to consult with your attorney about whether you have a legal privilege not to answer.

Do you understand that?

A. I do. 09:09

Q. So the general rule is if I ask you a question that you're not crazy about answering, other than a privilege, it's not consistent with the rules to go out and discuss what your answer should be. 09:09

Do you understand that?

A. I do.

Q. Now, there may be times where you don't have exact information but you can make a reasonable approximation. For example, when I 09:09

asked you about how many depos you had testified in, I think you said approximately four or about four. So long as you don't know exactly what the answer is, if you can still approximate how many it is, then you should do what you did and say approximately or about or around four. 09:10 09:10

Do you understand that?

A. I do.

Q. And if you can't make any approximation, then let me know, and I can figure out how, if at all, to rephrase my question. 09:10

Now, there may be times where you believe you know the answer but you aren't 100 percent certain. If you believe you know an answer but aren't sure, then please let me know what you believe to be the answer with the caveat or the qualification that you're not positive but you believe that to be the answer. Okay? 09:10 09:10

A. Understood.

Q. Now, after this deposition is over, you'll have an opportunity to review the transcript that the court reporter is going to prepare that documents everything I asked, 09:10

everything you said, anything your counsel may have said during the deposition. You'll have a chance to review it and make changes to that transcript, but you understand that counsel can comment on any such changes at the time of any later court proceeding.

Do you understand that?

A. I do.

Q. I'm correct in assuming, of course, that you've never been convicted of a felony; right?

A. That is true.

Q. Is there any reason you can't give your best testimony today because you're taking medication that affects your state of mind or you're ill or anything else?

A. No.

Q. So as far as you know, there's no reason you can't give your full and truthful testimony today; right?

A. Correct.

Q. Now, did you communicate with anyone for purposes of preparing for this deposition?

A. With my attorney.

Q. And is that Mr. Miller?

A. Yes, it is. 09:11

Q. Any other attorneys besides Mr. Miller that you communicated with to prepare for the deposition?

A. No. 09:11

Q. About how many times -- how many separate occasions did you communicate with Mr. Miller to prepare for this deposition?

A. I believe it was three.

Q. And were those in person -- 09:12

MR. MILLER: Wait a second.

You also -- there were also other people in my office who were at those meetings too.

THE WITNESS: There were, but I don't 09:12 know who they are.

MR. MILLER: Yeah, that's okay.

BY MR. GORDON:

Q. Okay. So there were other attorneys, but you don't know their names? 09:12

A. No.

Q. And all three of those times you communicated with Mr. Miller to prepare for this deposition substantively in person?

A. No. 09:12

Q. How many were in person? 09:12
A. One.
Q. And the other two, were they by telephone?
A. Yes. 09:12
Q. And did you also communicate with Mr. Miller through emails about the substance of any matters for the deposition?
A. The emails were, as I recall, scheduling, the scheduling. 09:12
MR. MILLER: Wait, wait, wait, wait. Don't tell him what our emails were about. He can ask you if we emailed each other, but I don't want him -- I don't want you to talk about what was in the emails because that's 09:13 attorney-client privilege.
THE WITNESS: Correct.
MR. MILLER: So I'm going to move to strike that last -- just be careful about that.
Move to strike that last answer. 09:13
BY MR. GORDON:
Q. Do you have a written engagement agreement with Mr. Miller's firm?
MR. MILLER: I'm going to assert attorney-client privilege and instruct you not 09:13

to answer that. 09:13

BY MR. GORDON:

MR. GORDON: And are you abiding --

Can we stipulate that the witness will abide by every instruction not to answer, and I 09:13 don't need to --

MR. MILLER: I hope so, John.

MR. GORDON: -- question whether she's following your advice.

MR. MILLER: Yep, we can stipulate to 09:13 that.

BY MR. GORDON:

Q. For the one time you met in person, about how long did you meet with Mr. Miller and any other attorneys to prepare for your 09:13 deposition?

A. In the neighborhood of an hour.

Q. And the two phone calls that you had with Mr. Miller to prepare for your deposition, about how long were they in total? 09:13

A. Around an hour.

Q. Did you review any documents to prepare to testify at this deposition?

A. I provided documents that I had, yes.

Q. And did you review the documents during 09:14

your preparation? 09:14

A. I did.

Q. Approximately how long did you spend reviewing documents to prepare for this deposition? 09:14

A. Half an hour to 45 minutes.

Q. And approximately how many different documents did you review to prepare for your deposition?

A. I'll estimate around five. 09:14

Q. Did you review any documents that refreshed your recollection about anything?

A. The documents that I reviewed were helpful, yes.

Q. And which documents refreshed your 09:14 recollection about something?

MR. MILLER: The documents that we just handed you at the beginning of the deposition, if we can cut through it.

MR. GORDON: You're not testifying 09:14 though, Skip. So I'm allowed to ask the witness for her own recollection and understanding of which documents refreshed her recollection about something.

THE WITNESS: The documents -- I 09:15

wouldn't use the term "refreshed my recollection." They just confirmed my recollection.

BY MR. GORDON:

Q. And about how many different matters did they confirm your recollection on? 09:15

A. You know, I would have to go through them to -- I'd have to assess what each recollection would have been, what each point on the document would have been. So it's going to be hard for me to give you an estimate. 09:15

Q. And when -- I'm sorry. When did you have your in-person meeting with Mr. Miller to prepare for your deposition?

A. I would recall it was in the last three weeks. 09:15

Q. And when was -- when was first phone call that you had with Mr. Miller to prepare for your deposition?

A. I couldn't -- I couldn't recall. But it was probably within -- within a month maybe. 09:15

Q. When was the second phone call that you had with Mr. Miller to prepare for your deposition?

A. The second phone call was a few days 09:16

ago. A couple days ago. 09:16

Q. Have you discussed any substantive matters concerning this deposition with anyone other than your attorney?

MR. MILLER: I'm going to object. I don't understand that question. It's vague and ambiguous. 09:16

BY MR. GORDON:

Q. Do you understand the question?

A. Not particularly. 09:16

Q. So have you -- other than matters of scheduling or logistics concerning where the deposition would be, how you would get here, how long it would take, have you discussed the substance of any matters that you expected might be raised at your deposition with anyone other than your attorney? 09:16

MR. MILLER: Objection. Calls for speculation.

What do you mean "substance"? 09:16

Vague. Ambiguous. Calls for speculation.

BY MR. GORDON:

Q. Do you understand the question?

A. Not in particular. If there's a 09:16

specific topic, I could answer that, but... 09:16

Q. Have you ever discussed with anyone other than Mr. Miller to prepare for this deposition anything about the Mandoyan discharge? 09:17

A. I've spoken about it with my husband.

Q. And --

MR. MILLER: I'm going to assert marital privilege there.

You should not testify to any conversations you had with your spouse. 09:17

THE WITNESS: Okay.

BY MR. GORDON:

Q. Are you basing any testimony -- strike that. 09:17

Did anything your husband said in discussing the Mandoyan discharge matter refresh your recollection about any matter concerning that?

MR. MILLER: Objection. Marital privilege. 09:17

Instruct you not to answer that question.

BY MR. GORDON:

Q. Have you discussed the Mandoyan 09:17

discharge matter in preparing for this deposition with anyone other than Mr. Miller and your husband?

A. The attorneys in the room. Your other partners. 09:17

Q. Anyone other --

MR. MILLER: For the record -- for the record, Mira and Emily?

THE WITNESS: Correct.

BY MR. GORDON: 09:18

Q. Other than Mr. Miller, the other two attorneys at his firm and your husband, have you discussed with anyone to preparing for this deposition the Mandoyan discharge matter?

A. I have not. 09:18

Q. Other than possibly Mr. Miller, his two attorneys and -- strike that.

Have you discussed with anyone other than Mr. Miller or any attorneys at his firm the issue of Mandoyan's reinstatement? 09:18

A. No.

Q. Have you discussed with anyone other than Mr. Miller or attorneys at his firm any issues that you believed you would be testifying about today? 09:18

MR. MILLER: Wait. I have a question. I have a question.

The last question was -- you're asking about depo prep now; right?

MR. GORDON: Yeah, that's what the question was.

MR. MILLER: Is that what this whole line of questioning is about, depo prep?

MR. GORDON: Correct. If you listen to the questions.

MR. MILLER: Well, the last one wasn't clear to me. That's why I'm asking for clarification. I appreciate your clarifying it.

He's asking you about deposition preparation other than with me and the other attorneys in my office and your husband.

THE WITNESS: I did not discuss -- well...

No. The answer is no.

(Technical interruption in the proceedings.)

THE VIDEOGRAPHER: Off the record, 9:20.

(Recess taken.)

THE VIDEOGRAPHER: On the record, 9:28.

Go ahead. 09:27

BY MR. GORDON:

Q. Are you paying anything for your representation in this case?

MR. MILLER: Objection. 09:27

Attorney-client privilege.

Instruct you not to answer that.

I'll make it real simple for you, John: She's a former county employee, and I'm representing her in that capacity. Pretty 09:27 obvious.

BY MR. GORDON:

Q. What was the first full-time job you had as a law enforcement officer?

A. Deputy sheriff. 09:28

Q. And approximately when did you -- that was with LASD, I assume?

A. Yes.

Q. When did you join LASD as a deputy sheriff? 09:28

A. In 1984.

Q. And how long did you remain as a deputy sheriff -- in the rank of deputy sheriff?

A. I promoted to sergeant in -- oh, my goodness. 09:28

Q. What was the approximate year you became a sergeant? 09:28

A. I want to say 1997.

Q. And how long did you remain a sergeant for LASD? 09:29

A. Three years.

Q. And so that was about in 2000 that you got promoted again?

A. Yes.

Q. To what rank? 09:29

A. To lieutenant.

Q. About how long were you a lieutenant with the sheriff's department?

A. 12 years.

Q. So from about 2000 to 2012? 09:29

A. Correct.

Q. And where were you stationed as a lieutenant?

A. City of Industry Sheriff's Station and Region III headquarters. 09:29

Q. And about in 2012 were you promoted again?

A. Yes.

Q. To what?

A. Internal Affairs, captain. 09:29

Q. And -- 09:29

A. And if I can amend my lieutenant rank, I was also lieutenant at Internal Affairs.

Q. During which years?

A. 2008 to '12. 09:29

Q. And in 2012 -- I'm sorry. You said in about 2012 you were promoted to captain?

A. Correct.

Q. Over Internal Affairs?

A. Correct. 09:29

Q. Was that the only division or bureau you had oversight responsibilities for once you became a captain?

A. Yes.

Q. And did you have a second-in-command 09:30 when you were a captain of Internal Affairs Bureau?

A. Yes.

Q. Who was that?

A. Lieutenant Donna Copeland. 09:30

Q. How long did you remain captain of the Internal Affairs Bureau for the LASD?

A. About two years.

Q. So from about 2012 to 2014?

A. Correct. 09:30

Q. What were your duties as captain of the Internal Affairs Bureau between 2012 and 2014?

A. As the captain of Internal Affairs I oversee a team of investigators who investigate egregious incidents of violation of policy, all on-duty and off-duty shootings and force that reaches a certain threshold, as well as all of the equity issues which are related to sexual harassment and cultural, you know, type of issues.

And then we -- I had a responsibility for the entire disciplinary process to make sure cases were brought in and out on time throughout the organization and recordkeeping for all of that. And just a variety of other small things, but that was the big -- those were the big chunks of what I did.

Q. And in 2014 were you promoted again?

A. I was.

Q. To what?

A. Commander.

Q. And approximately when in 2014 were you promoted to commander?

A. Toward the end of the year. I want to say September or October.

Q. So which sheriff promoted you to commander over Internal Affairs? 09:31

A. I wasn't the commander over Internal Affairs at that -- when I got promoted.

Q. Which sheriff was responsible for promoting you to commander in 2014? 09:31

A. John Scott.

Q. How long did you remain commander with oversight responsibilities that included Internal Affairs? 09:32

A. I was a commander for about two years, two and a half years, but that wasn't 100 percent at Internal Affairs.

Q. What responsibilities and duties did you have as commander between 2014 and sometime in 2016 or so when you ceased being commander? 09:32

A. Let me correct that. I promoted to commander in 2016 sometime, and I was promoted again in 2018. So there was that time frame. So to correct the time frame. 09:32

Q. Okay. So between 2014 and 2016 you served as captain?

A. Okay. Let me go back. My recollection is in 2012 I promoted to captain.

Q. Uh-huh. 09:33

A. In 2014 I promoted to commander, and then in 2018 promoted to chief. 09:33

Q. All right. Going back to the commander time from 2014 through -- I mean from 2016 to 2018; is that what you're saying? 09:33

A. Uh-huh.

Q. When were you promoted to chief in 2018?

A. In March.

Q. And that was a promotion under James McDonnell? 09:33

A. Yes.

Q. What were your duties and responsibilities as commander at LASD?

A. So the commander rank is sort of an oversight rank where you have responsibility for a certain amount of captains in your division. And you're a approver of certain aspects of force and administrative paperwork. And you're there to just sort of assist the chief and then make sure that you're working with your captains and problem-solving and things of that nature. 09:33

Q. So other than Internal Affairs, did you have oversight responsibility for any specific bureaus or divisions within LASD? 09:34

A. I had two other assignments aside from Internal Affairs as a commander. 09:34

Q. Which were those?

A. Court services and countywide services.

Q. What did countywide services involve? 09:34

A. Countywide services involved our parks bureaus, our countywide services bureau, which dealt with administrative buildings, hospitals, things of that nature. There was also the community-oriented policing group. And there 09:34 was one other. I'm forgetting it. Parks, courts -- oh, community colleges.

Q. What did court services oversight involve?

A. Involved the management of the 09:34 courthouses throughout the county as well as the transportation bureau.

Q. Approximately when in 2018 did you get promoted to chief?

A. In March. 09:35

Q. And then you served as chief at the sheriff's department from March 2018 until when?

A. Until my final exit day in January of 2019.

Q. And was that January 2, 2019? 09:35

A. Correct.

Q. What was the last day that you actually went into the office as a member of the sheriff's department?

A. I believe it was December 2.

Q. And when you ceased working for the sheriff's department on January 2, 2019, was that the result of a retirement?

A. Yes.

Q. When did you first decide you were going to retire from the sheriff's department?

A. The evening of November 26.

Q. And why was it that you decided on that particular day that you were going to retire from the sheriff's department?

A. I felt that I was asked to do something that I felt was unethical and inconsistent with my character and not consistent with how conduct myself in my professional life, and I didn't feel that there was a future for me in an organization that was making decisions along those lines.

Q. And what --

MR. MILLER: Wait.

Can I have that answer read back.

(Record read as follows:

"Answer: I felt that I was asked to do something that I felt was unethical and inconsistent with my character and not consistent with how conduct myself in my professional life, and I didn't feel that there was a future for me in an organization that was making decisions along those lines.")

MR. MILLER: Thank you.

BY MR. GORDON:

Q. And what was it that you were asked to do that prompted you on November 26 to decide to retire from the sheriff's department? 09:36

A. I was asked to engage in the restoration of an employee who had been terminated; to bring this employee back to service. 09:37

Q. And which employee are you referring to?

A. An employee named Mandoyan.

Q. And who asked you to engage in a restoration of Mandoyan's employment? 09:37

A. The contact that I had was with Larry Del Mese. 09:37

Q. And he's the gentleman who's is sitting next to me on the other side of the table from you? 09:37

A. Yes, he is.

Q. And did he -- tell me exactly what -- to the best of your recollection, what Lawrence Del Mese asked you to do that you deemed to warrant retiring from the sheriff's department on November 26? 09:37

A. When the call was made to me by Larry the call started off with what I felt was somewhat of a threat. The conversation started off with him telling me that he was looking at an org chart and he saw my picture, but when I questioned him, he wouldn't answer me as to whether it was a current org chart or a future org chart. 09:38

And then the conversation moved on to that he had a priority request from the sheriff -- the incoming sheriff. He explained to me that this was the sheriff's No. 1 priority and that this was important that this task get accomplished before the end of the week because 09:38

it mattered greatly to the incoming sheriff. 09:38

And then he explained to me that this particular employee, who he named as Mandoyan, had a case; that they wanted to bring him back in the settlement agreement. And then he also 09:38 explained to me that there was a second case that the employee had from his work history that they wanted to change the outcome of that case as well.

Q. You said this was a phone call? 09:39

A. Yes, it was.

Q. And where were you when you received the phone call?

A. In my office.

Q. And approximately when on November 26, 09:39 2018, did you receive this phone call from Lawrence Del Mese that you said prompted dollars your retirement?

A. It was somewhere in the neighborhood between 12:00 and 2:00, 12:00 and 2:30, 09:39 somewhere in there.

Q. And was November 26 the date of the sheriff election?

A. I don't believe so.

Q. So had the sheriff's election already 09:39

occurred by the time you received this phone call?

A. Yes.

Q. So you received the phone call after the day on which the sheriff -- Villanueva had won the sheriff's election?

A. Correct.

Q. Do you know about how many days after the election in which Alex Villanueva won that you received this phone call from Del Mese asking you to participate in restoring Mandoyan to duty?

A. So the election, if I recall, was somewhere between November 2 and November 4. I don't know the exact date. And so this call was on the 26th, so it could just be broadly construed as three weeks.

Q. And about -- to your knowledge or based on your recollection, do you recall whether you understood Alex Villanueva to have been declared the winner of the election on November 2 or November -- around November 2 or November 4?

A. I don't believe there was a declared winner at that point in time.

Q. Do you recall whether there had been a

declared winner by the time you received this phone call from Lawrence Del Mese on November 26 that you've said prompted you to retire? 09:41

A. I believe there was.

Q. And about how long before you received the phone call from Lawrence Del Mese in your office did you understand there had been a declared winner, namely, Alex Villanueva? 09:41

A. My understanding was that on that particular day, that was the day that Sheriff McDonnell and Sheriff Villanueva agreed to begin the transition from McDonnell's regime to the Villanueva regime. And so I would put it on that specific date that there was an understanding that Sheriff Villanueva was the incoming sheriff. 09:41 09:42

MR. MILLER: When you say "that specific date," you mean the 26th of November?

THE WITNESS: Yes.

MR. MILLER: Okay. 09:42

BY MR. GORDON:

Q. To your knowledge, did anyone hear any portion of the conversation between you and Lawrence Del Mese in which he asked you to engage in the restoration of Mandoyan to duty as 09:42

a deputy sheriff? 09:42

A. No.

Q. And about how many more days did you physically come to work at the sheriff's department after this November 26 phone call? 09:43

A. I came to work, including that day, five.

Q. So your last day physically appearing at work was four days after November 26?

A. Yes. 09:43

Q. When you asked Larry Del Mese whether -- strike that.

Did you say that you asked Larry Del Mese whether he was looking at a current or past organization chart when he saw your 09:44 picture?

A. I asked him if the org chart was the one that was currently in place or one that was future, meaning under the Villanueva org chart.

Q. And did he respond? 09:44

A. No.

Q. So there was just silence?

A. He didn't -- he didn't say yes or no. He just -- he said, "Well, I'm just looking at this org chart," and he wouldn't reveal whether 09:45

it was the future one or the current one. 09:45

Q. And why did you ask him whether he was looking at a current or future org chart when he said that he was looking at an org chart and saw your picture? 09:45

A. Because I was interested in knowing whether I was going to be one of the individuals that had a future in the Villanueva regime; whether I was going to have a job basically.

Q. And when you say whether you were going to have a job, were you afraid you were going to be terminated from the department if Villanueva did not have you on his organization chart? 09:45

A. Absolutely.

Q. So you thought he was going to fire you? 09:45

A. Absolutely.

Q. What made you think that Villanueva was going to fire you from the department if you weren't on his -- what you suspected might be a future org chart? 09:45

A. During the Villanueva campaign there had been a lot of very clear conversation that he was very displeased with the executive ranks; that he was going to clean house and get rid of 09:46

pretty much everyone. The numbers had even been counted, according to the rumors. And it was a very angst-ridden time for all of us, being at-will employees and not knowing if we had a job in the future. 09:46

Q. So you believed that you were at risk of being not only demoted from your position but actually fired from the department by Villanueva once he became the sheriff?

A. Absolutely. 09:46

Q. And you -- I believe you mentioned that Larry Del Mese said something about wanting a second case of Mandoyan's handled?

A. He wanted a second case where the finding was founded. He wanted it changed to a finding of, if I recall correctly, it was unfounded. 09:47

Q. Did he describe what that second case was about?

A. He did. 09:47

Q. What did he say about the second case that he wanted the finding changed from founded to unfounded?

A. The vague description was it had something to do with use of force or tactics. 09:47

Q. And about how old do you understand that second case was? 09:47

A. I couldn't estimate the time, but I would say it was well in the past.

Q. Did you ever speak to Larry Del Mese again after this November 26 phone call? 09:48

A. My recollection is he called me again the next day to ask the status.

Q. Where were you when he called on November 27, according to your testimony? 09:48

A. In my office.

Q. Before asking you about that second phone call, did you -- were you provided any documents from Larry Del Mese in connection with his phone call to you on November 26? 09:49

A. I was.

Q. Which documents were you provided?

A. You'd have to show me the packet so I could describe it to you.

MR. GORDON: I'm handing to the court reporter to mark as Exhibit 1 a stack of documents numbered AULT00001 to AULT00045. 09:49

MR. MILLER: These are the documents that I gave you at the beginning of the deposition in response to your subpoena. 09:49

MR. GORDON: Are you asking me that as a question?

MR. MILLER: No. I'm just clarifying the record just to make sure that we understand what we're talking about. 09:50

MR. GORDON: I will ask her to explain what they are.

MR. MILLER: Okay, John. Go for it.

(Whereupon, Exhibit 1 was marked for identification.) 09:50

MR. MILLER: May I please inquire: Are we marking this as Exhibit 1?

MR. GORDON: Yes.

MR. MILLER: Okay. We're talking about AULT1 through 45, the documents I produced in the beginning of the deposition. 09:50

That's Exhibit 1?

MR. GORDON: Yes.

MR. MILLER: Okay. Thank you.

BY MR. GORDON: 09:51

Q. Would you please look at what's been marked as Exhibit 1 and tell me whether this is the set of documents that you have produced in response to the deposition subpoena's demand for documents that was served on you. 09:51

A. Yes. 09:51

Q. And this is a set of documents that is marked AULT00001 to AULT00045; correct?

A. Yes.

Q. And which of these documents are you saying Larry Del Mese provided to you before your call on November 26 -- strike that. 09:51

Did Larry Del Mese provide any of the documents in Exhibit 1 to you prior to you what you've said was the November 26 phone call? 09:52

A. He did not provide anything prior to that phone call.

Q. After the November 26 -- what you've said is the November 26 phone call with Larry Del Mese, did he provide any of the documents in AULT1 to AULT45 to you? 09:52

A. Yes, he did.

Q. Could you go through them and identify for me which of those 45 pages of documents Larry Del Mese provided to you. 09:52

A. He provided me pages 1, pages 2, pages 3 and pages 4.

Q. Is that it?

A. Yes.

Q. When did Larry Del Mese provide you the 09:52

document that's entitled "Settlement Agreement" and is marked AULT001 through AULT0004?

A. I believe he provided that on the same day or the next day. I don't recall exactly.

Q. And how did he provide the settlement agreement marked AULT1 to AULT4 to you?

A. Via email.

Q. Was there any attached email or any associated email that this was attached to from Larry Del Mese?

A. It was attached to an email that I received.

Q. And is the email to you from Larry Del Mese to which the settlement agreement in AULT1 to AULT4 attached included in the 45 pages of documents you provided to us?

A. I believe that the email -- or this document that we're talking about, 1 through 4, was attached to an email on page 43.

Q. So it was attached to the email that is on the bottom half of AULT00043, and that bottom half of the document is an email from Lawrence Del Mese to Alicia Ault on November 26, 2018?

A. My recollection is that it was, but I wouldn't be clear unless I had possession of

that email on the bottom half. 09:54

Q. And did you take with you when you left the sheriff's department this document entitled "Settlement Agreement" at AULT1 through AULT4?

A. Yes, I did. 09:54

Q. And did you maintain it from the time you left the sheriff's department till the time you produced it in response to the deposition subpoena you were served?

A. I did. 09:54

Q. Is that document, the settlement agreement, AULT1 through AULT4, the only document that you have produced that Larry Del Mese provided to you in connection with your November 26 phone call? 09:55

A. Correct.

Q. Is that document the only document you have had custody, possession or control over concerning Larry Del Mese's request since the time you were served with the subpoena? 09:55

A. No.

Q. So you've had custody, possession or control over other documents provided to you by Larry Del Mese in connection with his request made to you on November 26 that you have not 09:55

provided as part of your production in response to the deposition subpoena; is that what you're saying? 09:55

A. No --

MR. MILLER: I don't think so. 09:55

THE WITNESS: -- that's not what I'm saying.

MR. MILLER: No.

BY MR. GORDON:

Q. And so what I'm asking you is, other than this one settlement agreement document, have you had custody, possession or control of any other documents that Del Mese provided you in connection with his November 26 request? 09:55

A. No. 09:56

Q. Did you have any other discussion in your November 26 phone call with Larry Del Mese besides what you have described in your testimony so far today?

A. I'm not clear on the question. 09:56

Q. So you've told me a number of things that were said by Larry Del Mese, and you've told me a number of things that were said by you during the November 26 phone call; right?

A. Yes. 09:56

Q. I'm asking you: Have you now told me everything you can remember that was said by either you or Lawrence Del Mese during the November 26 phone call? 09:56

A. No. 09:57

Q. What else was said during the November 26 phone call that you haven't already testified about in your deposition today?

A. So during that phone call Larry asked me what the procedures were for returning someone to work; who would be the authority individual that would sign off on the documents; we talked about how this was an unprecedented request and that this hasn't been done before at this stage. 09:57

I asked a lot of questions about the second case as to why that was being -- having its historical record changed. I asked him about what the timeline was. And then I explained to him who -- as we call it in the department, who the decision-maker would be and who he needed to direct this to for them to sign off on it; if anybody was going to be willing to do that. 09:58

And then I also explained to him that 09:58

something of this nature would not only require a division chief to sign off on it, but it would need an assistant sheriff's approval and ultimately the undersheriff's approval for this to happen. 09:58

Also during that conversation he made it clear that they wanted this done by Friday. I asked him why it couldn't wait until Monday when the new sheriff was sworn in and there wouldn't be any speed bumps to that, and he said that he was of the opinion that this was a priority issue, and it needed to be done by Friday and that they wanted it done under the Jim McDonnell regime and not -- not to wait until Monday. 09:58

Q. So the Monday was December 3, the day that Sheriff Villanueva would take office?

A. I saw you looking at the calendar. If that's the date that was subsequent to that, then I would agree with that. Whatever that date was, it was the date of the swearing-in for Sheriff Villanueva. 09:59

Q. And did Larry Del Mese say anything about the details of the second case that warranted a revision of the findings in that 10:00

case? 10:00

A. No.

Q. Did Larry Del Mese say anything about the timeline that you asked about during this phone call? 10:00

A. Other than that this was the sheriff's No. 1 priority and that the sheriff wanted it done -- and when I say "the sheriff," I say Villanueva -- and that the sheriff wanted this done and wanted it done by Friday before people 10:00 in the Sheriff McDonnell administration left their positions.

MR. MILLER: Can I have that answer read back, please.

(Record read as follows:

"Answer: Other than that this was the sheriff's No. 1 priority and that the sheriff wanted it done -- and when I say 'the sheriff,' I say Villanueva -- and that the sheriff wanted this done and wanted it done by Friday before people in the Sheriff McDonnell administration left their

positions.")

BY MR. GORDON:

Q. Did Larry Del Mese say anything about the decision-maker that you asked about concerning the Mandoyan possible reinstatement? 10:01

A. I explained to him who the decision-maker should be and the process they would need to follow and that it would require undersheriff approval. And then he asked me to make a direct appeal to the then undersheriff, 10:01 Jacques La Berge, and to see what his response would be.

Q. And what did you say in response to his request?

A. I said, "I'll make that call, and I'll 10:01 let you know what the outcome is." But I was doubtful that he would do it.

Q. Did you explain to Larry Del Mese that you were doubtful that the undersheriff under McDonnell would agree to it? 10:01

A. Absolutely.

Q. And did Larry Del Mese say anything in response to that comment by you?

A. He said, "Make the call and see what he says." 10:01

Q. Did you make the call? 10:02

A. I did.

Q. And what did Undersheriff La Berge say?

A. He said he absolutely would not sign off on it and that if Sheriff Villanueva wanted 10:02 it done, then he can do it himself on Monday.

MR. MILLER: How do you spell "La Berge"?

THE WITNESS: L-a, B-e-r-g-e.

MR. MILLER: Thank you. 10:02

BY MR. GORDON:

Q. Did Larry Del Mese say anything else during that November 26 phone call that you remember that you haven't already told me about?

A. Not to my recollection. 10:02

Q. Did you say anything else during that November 26 phone call that you haven't already told me about?

A. No, I did not.

Q. So, to the best of your recollection, 10:02 you've now testified about everything that was said by either you or Lawrence Del Mese in the November 26 phone call; is that right?

A. To the best of my recollection, yes.

Q. After you received the November 26 10:03

phone call, other than making the call to Undersheriff La Berge, did you speak with anyone else about the request that had been made to you? 10:03

A. I spoke to a member of county counsel. 10:03

Q. Who was that?

A. Pirjo Ranasinghe.

Q. Could you spell that, please.

A. First name is Pirjo, P-i-r-j-o, and I'll do my best with the last name. It's going to be R-a-n-a-s-i-n-g-h-e. 10:03

Q. When did you speak with the county counsel member?

A. Right after I hung up from Larry Del Mese. 10:04

Q. And what did you communicate to the county counsel member?

A. I conveyed the request.

MR. MILLER: I don't want to go into attorney-client privilege here. 10:04

THE WITNESS: Correct.

MR. MILLER: So you can -- don't go into the substance of it.

THE WITNESS: Right.

MR. MILLER: You can say who you spoke 10:04

to and "I conveyed the request" --

THE WITNESS: Yes.

MR. MILLER: But don't -- no substantive discussion --

THE WITNESS: No.

MR. MILLER: -- of attorney-client communication.

THE WITNESS: Right. Just that I conveyed the request.

MR. MILLER: Okay.

BY MR. GORDON:

Q. And did you say anything else during that phone call with the county counsel attorney?

MR. MILLER: Just don't testify to attorney-client substantive, you know, confidential communications, but otherwise, you can answer the question.

THE WITNESS: We did have other conversation that falls under the attorney-client privilege.

BY MR. GORDON:

Q. Did the county counsel attorney say anything to you in response to your conveyance of the request?

MR. MILLER: Same objection, same instruction. No attorney-client communications.

THE WITNESS: All of it was -- all of our conversation, just aside from the broad terms of this request was conveyed, fell under the attorney-client privilege.

BY MR. GORDON:

Q. Did you communicate with anyone else besides this county counsel attorney concerning the request that had been made to you during the November 26 phone call from Larry Del Mese?

A. I did not.

Q. Why did you decide to call the county counsel attorney after receiving the request from Larry Del Mese on November 26?

A. I contacted county counsel because the request, in my experience, was unprecedented and unheard of. During the conversation Larry asserted that this was possible to be done, and I didn't believe it was, and so I consulted county counsel, who is the adviser for us, to explain the request and get their legal opinion on it.

Q. When you say that Ms. Ranasinghe was the adviser to you, that is, Los Angeles

Sheriff's Department, she was not the only county counsel attorney assigned to the Advocacy Unit at LASD; right?

A. That's correct.

Q. About how many county counsel attorneys were signed to the Advocacy Unit in November of 2018?

A. I would say in the neighborhood of six.

Q. Who were they?

A. So in the office there would have been Pirjo Ranasinghe, Chris Keosian, Mahdi Mohamed -- I can picture her face but her name is not coming -- Cassandra Lo, Wendy Shaw. And there's one other gentleman who was recently assigned there, but I cannot recall his name right now. For the purposes of this, we can just call him the new guy, because I cannot remember his name right now.

Q. Was Elizabeth Miller county counsel attorney at that time assigned to Advocacy?

A. She was not assigned to Advocacy, but she was a county counsel attorney assigned to the sheriff's department.

Q. Which division or unit of sheriff's department was Elizabeth Miller assigned to at

the time of the November 26 phone call? 10:07

A. The way I would describe her role is that she was assigned as the lead counsel to the department, but she was not specifically assigned to Advocacy. 10:08

Q. Were there any other county counsel attorneys assigned to LASD to provide advice to LASD besides Elizabeth Miller and the -- one, two, three, four, five -- six other county counsel attorneys you identified by name, with 10:08 the exception of the new assignee, who was a gentleman?

A. There are other attorneys that are assigned to the department. I don't know who they are. They're assigned to custody in other 10:08 areas, and then there's just a multitude of contract counsel. So I don't -- I couldn't begin to name them.

Q. When you engaged in the phone call with county counsel's attorney Pirjo Ranasinghe on 10:08 November 26 after speaking with Larry Del Mese, did you intend for that call to remain secret from anyone else at the sheriff's department?

MR. MILLER: Wait. Objection. I don't understand that question. 10:09

BY MR. GORDON: 10:09

Q. Do you understand what I'm asking?

MR. MILLER: Vague. Ambiguous. I'd ask you to rephrase it.

BY MR. GORDON: 10:09

Q. Do you understand the question?

A. It's a little vague for me.

Q. Well, you placed this phone call right after you spoke with Larry Del Mese, and you called the county counsel attorney, 10:09 Ms. Ranasinghe; right?

A. Correct.

Q. When you did that, did you get anyone else who was a peace officer from LASD on the line with you when you made the call? 10:09

A. No.

Q. Did you report to anyone at LASD after you had the phone call with Ms. Ranasinghe about the communication you had with her?

A. I did. 10:09

Q. Who else at LASD did you report your conversation with Ms. Ranasinghe to after you had it with her on November 26?

A. When I called my boss, the undersheriff, Mr. La Berge, I told him that I'd 10:10

contacted county counsel prior to calling him. 10:10

Q. And what did you tell him about that call?

A. I told --

MR. MILLER: Wait, wait, wait, wait. I don't want you to relay to the Undersheriff La Berge what you -- 10:10

THE WITNESS: Correct.

MR. MILLER: -- discussed with county counsel, because that would be privileged. 10:10

THE WITNESS: Correct.

MR. MILLER: So...

THE WITNESS: I just notified him I had that conversation that was about this matter, and he understood that. 10:10

BY MR. GORDON:

Q. Did you describe the substance -- any substance of your call with Ms. Ranasinghe when you called Undersheriff La Berge?

A. I told Mr. La Berge that I had contacted county counsel to explain the situation to them, and then I explained to him what the ask was from Larry Del Mese. 10:10

Q. And did you explain to him what, if anything, county counsel's attorney, 10:11

Ms. Ranasinghe, told you about the matter during your phone call with her?

A. No.

MR. MILLER: Okay. Objection. That's -- the answer was no, so I guess I don't have to object.

THE WITNESS: You don't have to.

No.

BY MR. GORDON:

Q. Did Undersheriff La Berge ask you what the county counsel attorney had said during your phone call with her earlier that day on November 26?

A. No, not particularly that I recall.

Q. Did the undersheriff ask you anything about your opinion or view as to whether the request from Larry Del Mese could properly be complied with?

A. No, that was not one of his questions.

Q. Did you communicate to Undersheriff La Berge any view you had about the appropriateness of complying with Larry Del Mese's request made earlier that date on November 26?

A. No, I did not.

Q. Did you convey to him in any way, in your mind, your disproval of the request that Larry Del Mese had made to you? 10:12

MR. MILLER: Did you convey to Undersheriff La Berge, you mean? 10:12

MR. GORDON: Correct.

MR. MILLER: Okay.

THE WITNESS: Not in particular.

BY MR. GORDON:

Q. Well, in general? 10:12

A. I conveyed the request.

Q. Right. But did you do anything that, in your mind, was conveying your disfavor of the request that Larry Del Mese had made to you?

A. Not in particular. 10:12

Q. I know that you said, "Not in particular."

I'm asking you in any way in general, by your tone or any other comment that you made, were you, in your mind, conveying to him that 10:12 you disfavored the request?

MR. MILLER: Objection. Asked and answered now about four times.

You can answer it again if you want to.

BY MR. GORDON: 10:13

Q. I'm not asking you in particular. I'm asking you anything that you did that you thought was conveying your disapproval.

A. I didn't -- I don't believe I conveyed any approval or disapproval in the conversation. 10:13

Q. Was there anything in your tone of voice that you thought was conveying to him that you thought it was an unwarranted request?

A. I think the request in and of itself to people in my position and above me was understood that the request was in and of itself inappropriate. So there was no need to convey or express any of that; it was understood. 10:13

Q. Why did you think that it was inappropriate? What was it about it? 10:13

A. So there are established procedures that are in place for these matters, and for this matter to be at the level that it was already, there had to be high-level approvals for it to proceed. And so it is understood that by that point this case was to remain in the system in the place that it was. 10:14

And there has never been this type of request made in the past, and so it was 10:14

completely understood that this was a very unprecedented request. 10:14

Q. And when you say it had never been made in the past, were you privy to all requests made to the upper management of the sheriff's department concerning reinstatement of a formerly discharged deputy if any had been made? 10:14

A. No.

Q. So when you say it was unprecedented, you had never heard of one is what you're saying; right? 10:14

A. Correct.

Q. Had you done any research to determine whether anyone had ever sought to reinstate a discharged deputy without a court order, for example, doing it? 10:15

A. I've done no research on that.

Q. Have you done any research to determine whether the sheriff's department had ever reinstated a deputy on its own without obtaining written approval from anyone outside the department? 10:15

A. No, I have not.

MR. GORDON: All right. Why don't we take a break. 10:15

MR. MILLER: How long?

MR. GORDON: Ten minutes.

MR. MILLER: Okay.

THE VIDEOGRAPHER: Off the record, 10:16.

(Recess taken.)

THE VIDEOGRAPHER: Okay. The time is 10:27, and we are back on the record.

BY MR. GORDON:

Q. At the time you received the phone call from Larry Del Mese, which you've said was on November 26, had you learned whether James McDonnell had conceded the election to Alex Villanueva?

A. I don't recall that.

Q. Do you recall James McDonnell conceding the election at some point to Alex Villanueva?

A. Yes.

Q. Did you determine in your own mind before you learned that James McDonnell had conceded the election that in fact Alex Villanueva was going to be the sheriff?

A. There was some point where I opined that Villanueva would be the victor prior to the announcement or the concession.

Q. And do you know about how long it was before you learned James McDonnell had conceded the election that you determined in your own mind that Alex Villanueva was going to be the sheriff? 10:27

A. I don't have a timeline. I just recall what I would describe as seeing the handwriting on the wall.

Q. And what was it that was the handwriting on the wall that caused you to believe that McDonnell was losing -- was, in fact, going to be the defeated candidate in the election? 10:28

A. I think it was based on the publishing of the registrar recorder's numbers of voters. 10:28

Q. Were you keeping track of that as it happened?

A. I paid attention to it, but I wasn't, you know, hanging on every word, if you will.

Q. When you said Larry Del Mese in the phone call to you on November 26 talked about looking at an organization chart and seeing your picture and you considered that a threat -- did I understand that right? 10:28

A. You did. 10:28

Q. What did you understand from him that made you believe that he was threatening you?

A. So I felt that I had a strong enough relationship with Larry Del Mese that he would have been willing, had I been in good standing with the new organization, to tell me that I didn't have anything to worry about. And so when he was not willing to even so much as intimate what my future was in the organization, I felt that this request was in terms of either a test or a threat to determine whether or not I would fit in with that group and whether I was willing to do what was being asked of me in spite of any commentary or objection -- 10:28 10:29 10:29

Q. Did -- 10:29

A. -- that I had.

MR. MILLER: Let her finish.

MR. GORDON: Skip, calm down. I -- she paused and I thought she was finished.

Q. Were you still speaking? 10:29

A. I was, but I'm done.

Q. All right. Are you done now?

A. I'm done now.

MR. MILLER: I'm calm. I just want you to let her finish. That's all. 10:30

MR. GORDON: Of course I intended to let her finish. She paused and I thought she was finished.

MR. MILLER: No problem.

BY MR. GORDON:

Q. Was there anything in the tone of Larry Del Mese that caused you to believe that it was either a threat or a test?

A. I think the content of the conversation in and of itself was that.

Q. Did he say anything specifically that constituted, in your mind, a threat?

A. There was no overt threat.

Q. Was there anything in his tone that made it sound like he was threatening you if you didn't do what he requested?

MR. MILLER: Objection. Vague.

You mean did he yell at her or...

BY MR. GORDON:

Q. I'm asking you if there was anything in his tone that made you subjectively believe that he was threatening you if you didn't comply with his request.

A. The threat did not come in a tone. It came in the content of the conversation.

Q. Did he say anything about what would happen if you didn't comply with his request? 10:31

A. He emphasized the importance to the sheriff, and he emphasized the need for me to get this done. 10:31

And in the conversation I had made it clear to Larry that -- who the decision-maker was, and that it was not me; it was other people within the organization. And so when I got the document that had my name written on it, I felt that that was a forwarding of that -- we'll call it a test or threat for me to comply and do what was asked of me. 10:31

Q. Did you ask him anything about -- strike that. 10:31

Did you say to him anything about your feeling that it was either a threat or a test?

A. I expressed to him my great discomfort with this request and how it was unprecedented and I felt that it was inappropriate, but I never directly commented to him on the fact that I felt that this was either a threat or a test. 10:31

Q. Did you tell anyone that you thought it was a threat or a test?

A. That goes back to that privileged 10:32

conversation.

MR. MILLER: Well, wait, wait, wait.

You mean the privileged conversation with your husband?

THE WITNESS: Yes.

MR. MILLER: Yeah, I don't think that you should talk about that. That's marital privilege.

THE WITNESS: Uh-huh.

BY MR. GORDON:

Q. Am I correct in understanding that you said the day you received the phone call -- strike that.

Have you now told me everything you can remember that was said during the phone call that you said occurred between you and Larry Del Mese on November 26?

A. To the best of my recollection, I've expressed over the course of your questions the content of that conversation.

Q. You said that there was another call the next day by Larry Del Mese to ask the status of his request; right?

A. Yes.

Q. Was anyone else present when you

received that phone call? 10:33

A. No.

Q. To your knowledge, were the only two people listening to the conversation you and Larry Del Mese during that follow-up phone call 10:34 on November 27?

A. Yes.

Q. Other than Larry Del Mese asking you what the status was on his request, was anything else said during the conversation? 10:34

A. Other than the need that it needed to get done and it needed to be done by Friday. Because I think I again -- my recollection is that I again asked him why it had to be so urgent and why it couldn't just be done -- it'd 10:34 be easier that Sheriff Villanueva take this on when he gets sworn into office.

Q. And did Larry Del Mese respond in any way to your question?

A. His response was consistent that it was 10:34 important, it was the sheriff's No. 1 priority, and they really wanted it done by Friday.

Q. Was anything else said by either you or Larry Del Mese during what you've said was the follow-up phone conversation, November 27, about 10:35

his request to get Mandoyan reinstated? 10:35

A. Not to my recollection.

Q. After the phone call that you said occurred on November 27 as a follow-up phone call to check status, did you ever again speak 10:35 with Larry Del Mese about the Mandoyan matter?

A. Not to my recollection.

Q. And the phone call that you had with Larry Del Mese on November 27 was while you were in your office alone? 10:35

A. That's my recollection, yes.

Q. Did Ms. Ranasinghe provide you any legal advice or opinion during your phone call with her on November 26 after you had your phone call with Larry Del Mese? 10:36

MR. MILLER: Wait, wait, wait. You can answer the question, but don't say what the advice was, if there was any. You can just answer whether she gave you advice or not.

MR. GORDON: I said -- my question was 10:36 legal advice or opinion.

THE WITNESS: She did.

BY MR. GORDON:

Q. Did you share that legal advice or opinion with anyone else after she provided it? 10:36

A. I believe I reconveyed that information to Mr. La Berge as a follow-up.

Q. When you say it was as a follow-up, you mean you spoke with him again after your call on November 26 and conveyed the legal advice or opinion that Ms. Ranasinghe had provided you in the phone call on November 26?

A. Yes.

Q. About how long after your November 26 phone call did you pass on the legal advice or opinion from Ms. Ranasinghe in your phone call as a follow-up to Undersheriff La Berge?

A. I don't recall, but I would speculate it was within days --

MR. MILLER: Don't speculate.

THE WITNESS: Okay.

BY MR. GORDON:

Q. What's your --

MR. MILLER: You can do your best recollection --

THE WITNESS: My best --

MR. MILLER: -- but no speculation.

(The reporter requested that the witness speak in turn.)

MR. MILLER: We don't speculate in

testimony. Just -- 10:37

THE WITNESS: By best recollection is within days.

BY MR. GORDON:

Q. Okay. Did you communicate with Elizabeth Miller about the request that Larry Del Mese had made concerning the possible reinstatement of Mandoyan? 10:37

A. No.

Q. Did you ever communicate with Christopher Keosian about Mr. -- or Larry Del Mese's request concerning Mandoyan? 10:37

A. No.

Q. Did you communicate with any of the other attorneys from the county counsel's office besides Ms. Ranasinghe concerning the November 26 request from Larry Del Mese concerning Mandoyan? 10:38

A. No.

Q. Am I correct in assuming that you were never the subject yourself of any discipline while employed by the sheriff's department? 10:38

A. Correct.

Q. After retiring from the sheriff's department on January 2, 2019, have you worked 10:38

for any organization? 10:38

A. No.

Q. Have you worked in any professional capacity for -- in any way?

A. No. 10:38

Q. What is your recollection of when James McDonnell served as LA County sheriff?

MR. MILLER: Her recollection of the dates?

MR. GORDON: Yeah. 10:39

Q. Your best recollection of when he served.

Does December 2014 to December 2018 sound correct?

A. That does sound correct. 10:39

Q. Are you familiar with any official procedures that govern the settlement of disputes over discipline imposed on sworn LASD police officers during the McDonnell administration from about December 2014 to about December 2018? 10:39

MR. MILLER: Can I have that question read back, please. I'm not sure I followed it.

THE REPORTER: Can you repeat it, Counsel. 10:39

BY MR. GORDON: 10:39

Q. Are you familiar with any of the official procedures that govern the settlement of disputes over discipline imposed on sworn LASD peace officers during the McDonnell 10:39 administration?

MR. MILLER: You can answer it if you know.

THE WITNESS: I would clarify what you mean by "disputes." 10:39

MR. MILLER: You mean lawsuits? pre-lawsuits?

It's vague.

BY MR. GORDON:

Q. A deputy or a supervisory officer at 10:40 LASD challenging the discipline that was about to -- that had been imposed on him.

A. Yes, I am.

Q. And how are you familiar with those procedures? 10:40

A. Through the course of my employment.

Q. What was your understanding of any official procedures that govern the settlement of disputes over discipline imposed on an LASD deputy or supervisory officer -- 10:40

MR. MILLER: Can I interpose an objection? 10:40

MR. GORDON: Hold on. Let me finish my question.

MR. MILLER: Okay. Sure. 10:40

BY MR. GORDON:

Q. -- imposed on an LASD deputy or supervisory officer during the McDonnell administration?

MR. MILLER: Okay. I'm going to interpose an objection. 10:40

Is this disputes before they go to court and are in litigation? Are these disputes that are after lawsuits are filed? Could you clarify what you're talking about. 10:40

BY MR. GORDON:

Q. I'm just asking you disputes at any point after discipline has been imposed. So it's resolving or settling a discipline case after the settlement after discipline has already been imposed. 10:41

Are you familiar with any procedures that govern anywhere during that process from that point forward?

MR. MILLER: You mean -- when you say 10:41

"process and procedures" you mean internally to the sheriff's department?

And I don't mean to be difficult here, John. It's just a very broad, vague question.

BY MR. GORDON:

Q. I'm trying to get your understanding of what procedures governed LASD's ability to settle any dispute over discipline imposed on one of its officers, either deputies or supervisory officers, while McDonnell was in office.

MR. MILLER: Objection. It's vague, ambiguous. It's overbroad. I'd ask you to break it down.

I'm not going to instruct you not to answer it if you can.

THE WITNESS: I would agree with my attorney. The question is so overbroad and vague. And you're using terms that I would not use, and I don't understand what you're actually asking me.

BY MR. GORDON:

Q. Are you familiar with any settlements of disputes concerning discipline that had been imposed on a deputy after a letter of imposition

is issued and before it gets to a formal civil service proceeding? 10:42

MR. MILLER: That's good. Okay.

THE WITNESS: The only way I can answer that question is to say that there are procedures for employees to grieve or challenge the discipline at points along the way. 10:42

And so I -- I'm trying to answer your question. I think that's what you're asking me.

BY MR. GORDON: 10:42

Q. And are you familiar with any of the procedures that govern how the LASD can settle a challenge by a deputy to discipline that has already been imposed before it gets to the Civil Service Commission? 10:42

A. Yes.

Q. And what is your understanding of what those procedures are -- strike that -- what those procedures were during the time McDonnell was the sheriff? 10:42

A. That is a very big question, and it depends upon the level of discipline. It depends upon the facts of the case. Each case is independent and separate.

So I am familiar with broad -- I'd call 10:43

them guidelines that would apply to that. 10:43

Q. So for deputies who have actually been discharged as a result of discipline imposed, what is your understanding of what, if any, procedures there were governing how LASD could 10:43 settle a challenge to a discharge before it reached the Civil Service Commission during McDonnell's administration?

THE WITNESS: Could you read back that question again, please. 10:43

(Record read as follows:

"Question: So for deputies who have actually been discharged as a result of discipline imposed, what is your understanding of what, if any, procedures there were governing how LASD could settle a challenge to a discharge before it reached the Civil Service Commission during McDonald's [sic] administration?")

MR. MILLER: Excuse me for a minute. I'm going to object --

MR. GORDON: Hold on. 10:44

And just for the record, it's "McDonnell." So it's M-c-D-o-n-n-e-l-l.

MR. MILLER: I'm going to object to these questions. They don't seem to -- they don't seem to pertain to the subject matter of the Mandoyan lawsuit.

I'm not going to instruct her not to answer it, because I don't think that's necessary, but it seems kind of far afield. I'd appreciate you narrowing the questions. If you could ask it again.

BY MR. GORDON:

Q. So I'm trying to determine what, if any, approval requirements you understood LASD had to satisfy to settle a dispute by an LASD sworn peace officer who had been discharged and the dispute was in the stage after discharge before Civil Service Commission proceedings were initiated.

MR. MILLER: Go ahead and answer it if you can more than you've already done. And, I mean, you --

THE WITNESS: The question you're asking is very broad, but I can be very broad in response.

So post Skelly discipline imposed which you've leveled at discharge prior to a Civil Service Commission hearing, that is in the authority of a chief to make a determination, based on new facts that may come into their knowledge, to modify or change the discipline based on a conversation, communication, engagement, whatever you want to call it. And then that would have to be ran up the chain of command through the division chief and the assistant sheriff and the undersheriff. 10:45 10:45 10:46

And that is a very broad, basic response.

BY MR. GORDON:

Q. And if the proceeding had resulted in initiation of a Civil Service Commission for that same deputy in the hypothetical that I was just describing, were the approval requirements for LASD to settle that dispute over the discharge any different from what you've just described for proceedings that have not yet reached the Civil Service Commission? 10:46 10:46

MR. MILLER: Okay. We're talking about something that is a matter pending before the Civil Service Commission? 10:46

MR. GORDON: Correct.

MR. MILLER: It hasn't gone to court yet?

MR. GORDON: Correct. I said resulted in initiation of a Civil Service Commission.

MR. MILLER: Okay. I'm going to interpose an objection. This sounds like it calls for a legal conclusion, but I'm not instructing the witness.

So if you know, you can go ahead and answer it.

THE WITNESS: Honestly, your question is incredibly confusing to me because it's -- you're -- I'm not understanding the point in time that you're speaking of. It's not clear.

BY MR. GORDON:

Q. You just described for me what you understood LASD requirements were for getting approval to settle a dispute over discipline imposed that resulted in discharge at a point in time after imposition of a discharge before initiation of a Civil Service Commission; right?

A. Correct.

Q. I'm just using the same hypothetical but now putting it later in time. So now a

Civil Service Commission proceeding has been initiated.

Did the approval requirements change under the McDonnell administration within LASD to settle that dispute? 10:47

A. That question is much clearer to me.

Q. Okay. And what's your answer?

A. And nothing changed.

Q. Sorry. Sorry.

A. The question was clearer to me now -- 10:47

Q. Yeah.

A. -- and nothing changes.

Q. Now, same hypothetical, carrying it forward: After a Civil Service Commission proceeding had resulted in affirmation of the 10:48 discharge and a writ petition -- petition for writ of mandate had been filed by the deputy or supervisory officer, what is your understanding of the approval requirements for LASD to settle that dispute by the discharged LASD officer? 10:48

MR. MILLER: So we're now talking about a case that's in litigation in court; right?

MR. GORDON: No. I just said it's in writ proceedings.

MR. MILLER: Yeah, writ proceedings in 10:48

court. So that clearly calls for a legal conclusion. 10:48

MR. GORDON: I'm not asking for a legal conclusion.

Q. I'm asking you did you have an understanding of what LASD itself imposed as an approval requirement? 10:48

MR. MILLER: Yeah, but it's very clear that under the charter, Section 21, county counsel has to sign off on settlement of litigation. So that calls for a legal conclusion, and that's outside the scope of this witness's involvement or knowledge. 10:48

MR. GORDON: First of all, it's not a basis to instruct. 10:49

So I assume you're not instructing her; right?

MR. MILLER: Let me think about it. I think...

MR. GORDON: You're going to instruct someone not to answer -- 10:49

MR. MILLER: I'm thinking about it, John. Calm down. It's your turn to calm down.

It really also impinges on attorney-client communication. I mean, now 10:49

you've got -- you've clearly got county counsel in the loop handling lawsuits.

MR. GORDON: Can you just state a basis for your objection.

MR. MILLER: Yeah, attorney -- 10:49

MR. GORDON: You don't need to --

MR. MILLER: It impinges on attorney-client privilege. It calls for a legal conclusion. And on that basis I will instruct her not to answer it. I don't think it's 10:49 appropriate.

BY MR. GORDON:

Q. When you worked for the sheriff's department under the McDonnell administration prior to your retirement, did you have an 10:50 understanding of what, if any, approval requirements had to be met before the sheriff's department could settle a dispute with a deputy or supervisory officer who'd been discharged when the dispute was actually in writ 10:50 proceedings before the Superior Court?

MR. MILLER: It's the same objection that I just made to the same question.

BY MR. GORDON:

Q. I'm asking you -- 10:50

MR. MILLER: Attorney-client privilege. Calls for a legal conclusion. And it's certainly beyond the scope of this witness's knowledge or expertise. 10:50

MR. GORDON: So you're instructing her not to answer that question? 10:50

MR. MILLER: I am. I am.

MR. GORDON: And you're --

MR. MILLER: The county charter is very clear on this issue. 10:50

MR. GORDON: You're marking --

That's an inappropriate comment. You're able to make whatever objection you want, state your objection, and I'll either move on or not. Commenting or testifying isn't your duty. 10:50

But you're marking each refusal to answer; correct?

MR. MILLER: I wasn't testifying. I was making a point that I presume you're well aware of. The county charter is very clear that when a matter is in -- 10:51

MR. GORDON: [Speaking simultaneously] testifying, Skip.

MR. MILLER: When I'm talking -- when my lips are moving, you got to let me finish, 10:51

and I'll show you the same courtesy. 10:51

The county charter, Section 21, is very clear that when a matter is in litigation talks about an action or a proceeding, county counsel has sole and exclusive authority, and they have 10:51 to sign off. And you know that.

So to ask a witness who's not involved with county counsel who may have had communications about it, is just -- it's wrong.

MR. GORDON: That's an inappropriate 10:51 speech, and you know it. You're welcome to make whatever objection you want. State the grounds for your objection. It's not appropriate for you to be testifying to what you believe the law is on the specific substance of what I'm asking 10:51 the witness about.

MR. MILLER: Okay, John. Please proceed.

BY MR. GORDON:

Q. When you were chief with oversight over 10:52 the Internal Affairs Bureau under the McDonnell administration, did you sign any settlement agreements resolving disputes over discipline imposed on LASD officers?

A. Yes. 10:52

Q. And what did you understand were the limits of your ability to sign as the approving officer for such settlements? 10:52

MR. MILLER: The limits?

BY MR. GORDON: 10:52

Q. Did you understand there were any limits on which settlement agreements you could sign while you were chief overseeing Internal Affairs bureaus when the settlement was resolving a dispute over discipline imposed? 10:52

A. I understood my limits, yes.

Q. And what were those limits, according to your understanding?

A. So division chiefs had ability to resolve disciplinary matters. But when those disciplinary matters arose to a higher level where, for example, you had a case review decision, that required a return to that -- we'll call it a panel -- for concurrence. At times you would have to have your assistant sheriff, and in my case, because I was a direct report, I would have to have the undersheriff's approval. 10:52 10:53

MR. MILLER: Is there just one undersheriff? 10:53

THE WITNESS: There's one undersheriff, yes.

MR. MILLER: And that's the second-ranking person in the department?

THE WITNESS: Yes.

MR. MILLER: Okay.

BY MR. GORDON:

Q. During your tenure as a captain, commander or chief with oversight of the Internal Affairs Bureau in the McDonnell administration -- strike that.

During the time that you had any oversight responsibility over Internal Affairs, did you ever play a role in determining whether to rehire or reinstate an officer who had been discharged?

A. The role of anyone in oversight of Internal Affairs would not have a role in determining whether someone should come back unless that employee was your direct employee. So I would not have any say in anything that involved any other division other than my own.

Q. So did you ever play a role in determining whether to rehire/reinstate a deputy or supervisory officer who had been in Internal

Affairs? 10:55

A. I never had a person discharged that was under my command in Internal Affairs where that decision would have had to have been made.

Q. During the sheriff's election did you favor one of the candidates over the other in terms of McDonnell versus Villanueva? 10:55

MR. MILLER: That's really irrelevant.

I mean, you can answer it if you're okay answering it; if you're not, that's your business. You can -- 10:55

THE WITNESS: I think it --

MR. MILLER: It's up to you.

THE WITNESS: I personally think that question is inappropriate because who I support politically -- 10:55

MR. MILLER: Yeah.

THE WITNESS: -- has nothing do with my employment.

BY MR. GORDON: 10:55

Q. It does have to do with bias as a witness, and I'm entitled to ask you: Did you favor McDonnell over Villanueva in the 2018 sheriff election?

MR. MILLER: You don't have to answer 10:56

that question. It's a private, personal, First Amendment right. It's up to you whether to answer it or not. If you're not comfortable, that's your call.

THE WITNESS: I would agree that my personal support of a candidate who I voted for -- I feel like that is my American right to not reveal who I voted for.

BY MR. GORDON:

Q. You understand you're a witness in this proceeding --

MR. MILLER: Don't argue with her.

BY MR. GORDON:

Q. -- and you're --

I can ask her --

MR. MILLER: John, she does want to testify to it.

BY MR. GORDON:

Q. Do you understand that your favor of McDonnell over Villanueva could reflect on how you could appear as a neutral witness in this proceeding?

MR. MILLER: I don't agree with that at all. And if she --

MR. GORDON: You're not the witness.

I'm asking her -- are you objecting and refusing to allow her to answer the question. 10:56

MR. MILLER: You're interrupting me again. Remember we had a deal?

MR. GORDON: No. 10:56

MR. MILLER: When I'm talking, you let me talk. When you talk, I'll let you talk. You may not like what I say, but that's too bad. That's the way it goes. And I may not like what you say, but at least I'm going to show you the professional courtesy of allowing you to talk. 10:57

She said she's not comfortable saying it. It's private, it's confidential, and people don't have to say how they vote. That's why voting booths are private. That's why when you go in, you go in alone and you close the drape. And she doesn't want to testify to it. 10:57

I'm not instructing her not to. That's her testimony. So you don't have to, you know, threaten her with bias and all that. 10:57

Let's just move on.

MR. GORDON: I'm asking -- first of all, I'm asking you not to make speaking objections. Just state the grounds for your objections, and I'll either -- I will -- if you 10:57

instruct her not to answer or she won't answer, I'll move on. But you're doing far more than just stating a legal basis for your objection. 10:57

Q. That being said, are --

MR. MILLER: I don't agree with that. I think I've been pretty, you know, quiet throughout this deposition. 10:57

This is a personal preference, and I think you should respect it and move on.

BY MR. GORDON: 10:57

Q. Are you refusing to tell me whether you favored McDonnell over Villanueva in the 2018 sheriff election?

A. I will tell you this: I never campaigned for either candidate, but I will stand on my opinion that it is un-American for you to ask me to reveal who I voted for in the confidentiality of that voting booth. That's just -- I think it's a terrible question to ask. 10:58

Q. First of all, I didn't ask you how you voted. I asked you -- I said did you favor McDonnell over Villanueva during the election? 10:58

A. And I will tell you I campaigned for neither person.

Q. Did you want one of those two men to 10:58

win the job of sheriff -- 10:58

MR. MILLER: You're just arguing.

BY MR. GORDON:

Q. -- in the 2018 election?

MR. MILLER: You're arguing. It's 10:58

argumentative.

Objection. Argumentative. Harassing.

THE WITNESS: I feel like I've --

MR. MILLER: Leave her alone on this

issue. 10:58

THE WITNESS: I feel like I've

answered --

MR. GORDON: I'm not asking her what

she voted. I'm not asking her what she did

behind closed doors. 10:58

Q. I'm asking you this question, and tell

me whether you're going to answer or you're

going to refuse to answer: Did you want

McDonnell to defeat Villanueva in the 2018

election? 10:59

MR. MILLER: You can answer that

however you want to.

THE WITNESS: My answer stands that I

supported -- I did not support either candidate,

and my -- who I voted for is my -- I feel like 10:59

my right as an American to not reveal to anyone. 10:59

BY MR. GORDON:

Q. So you are refusing to answer the question; correct?

A. That is absolutely not what I said. 10:59

Q. Are you refusing to answer --

MR. MILLER: No, no. She answered the question, John.

MR. GORDON: No --

MR. MILLER: If you don't like it. You 10:59 can move to compel.

MR. GORDON: That's not an answer.

Q. I'm asking you: Did you want McDonnell to win the election over Villanueva in the 2018 sheriff's election -- 10:59

MR. MILLER: You're harassing this witness. It's really unbecoming.

MR. GORDON: Let me finish the question.

Q. -- yes or no? 10:59

A. My answer to the question is I neither campaigned for any candidate, I did not openly support one or the other, and who I voted for is private.

Q. So you will not give me a yes-or-no 10:59

answer; correct? 10:59

A. I feel like I've answered your question to the best of my ability.

Q. To the best of your ability or the best of your desire? 11:00

A. I've --

MR. MILLER: This is definitely harassment.

MR. GORDON: No.

Q. I'm asking you: Are you telling me -- 11:00

MR. MILLER: All right. Let's take a break and cool off a little bit here because I got to take a quick call.

Is that all right?

MR. GORDON: That's fine. 11:00

THE VIDEOGRAPHER: Off the record, 11:01.

(Recess taken.)

THE VIDEOGRAPHER: The time is 11:09. We are back on the record. 11:08

BY MR. GORDON:

Q. Have you ever expressed to anyone your view on whether McDonnell would be a better sheriff than Villanueva?

A. I don't think in the way you're asking 11:08

the question. 11:08

Q. Did you ever express to anyone a view on whether you wanted or preferred McDonnell as a sheriff over Villanueva?

MR. MILLER: Just another way of asking her how she voted. 11:09

But you can answer it however you want. I'm not instructing you.

THE WITNESS: In the role that I played as chief over the disciplinary system, I felt it was really important to remain neutral. I did my best to not express any opinion to anyone, because I felt that the role that I played shouldn't be co-opted by that. 11:09

BY MR. GORDON: 11:09

Q. Did you have in your own mind, whether you expressed it to anyone or not, a preference for either McDonnell or Villanueva to win the 2018 sheriff election?

A. I would just say each candidate has their strengths and weaknesses. 11:09

MR. GORDON: Objection. Move to strike as nonresponsive.

MR. MILLER: I thought it was responsive, but go ahead. 11:10

BY MR. GORDON: 11:10

Q. And is that the only answer you have to my question?

A. Yes.

Q. Did you perform any work for 11:10
McDonnell's campaign for sheriff in the 2018 election?

A. No.

Q. Did you make any contributions to
McDonnell's campaign for sheriff in the 2018 11:10
election?

A. No.

Q. Did you do anything that in your mind constituted support for McDonnell's campaign for sheriff in the 2018 election? 11:10

A. No.

Q. Have you ever expressed any views that you had about Carl Mandoyan's discharge from LASD?

MR. MILLER: You mean other than what 11:10
she's testified to this morning?

MR. GORDON: Yeah.

Q. Outside of anything you've said during your deposition today, have you ever expressed any personal views you had about Mandoyan's 11:10

discharge from LASD? 11:10

MR. MILLER: And outside of marital privilege, attorney-client privilege, and outside of the testimony this morning, you can answer the question. 11:10

THE WITNESS: Yes.

BY MR. GORDON:

Q. When have you expressed a personal view you had about Carl Mandoyan's discharge from LASD? 11:11

A. I discussed it with my aunt, who was in the hospital with hip surgery.

Q. When was that?

A. December of 2018.

Q. Anyone else? 11:11

A. I recently came back from a personal trip with some friends from back East and discussed it with them.

Q. Anyone else?

A. Maybe some of my, like, personal friends, girlfriends, but... 11:11

Q. Who are they?

A. My best friend and some people I go to church with.

Q. Who's your best friend? 11:11

A. Terri Taylor. 11:11

Q. And how many people you go to church with are you saying you expressed a personal view about Mandoyan's discharged with?

A. Probably two. 11:12

Q. Who are they?

A. Norma Flynn.

Q. And who else?

A. Norma and --

Q. You said -- 11:12

A. -- Tom.

Q. You said there were two other people.

A. Yeah, right.

Q. And I asked you, and you said Norma Flynn -- 11:12

A. Tom. Tom Moreno.

MR. MILLER: Are any of those people in the sheriff's department?

THE WITNESS: No.

MR. MILLER: They're all just personal 11:12 friends?

THE WITNESS: They're all personal friends and friends from church.

MR. MILLER: Okay.

BY MR. GORDON: 11:12

Q. And did you -- all right. Let's start with the aunt who was in the hospital.

What view about Mandoyan's discharge from LASD did you express to your aunt? 11:12

A. So my aunt was recovering in the hospital from a hip surgery after a fall, and we were watching the news, and it came on the news. And I told my aunt, you know, "This is the matter that caused me to leave the department," 11:13 and I told her it was, you know, hard to watch it on TV.

And she just told me that -- she just told me that the responsibility to deal with anything related to that is no longer mine and 11:13 that there are people left behind and to forget about it.

Q. Did you say anything else about your own views regarding the Mandoyan discharge during the conversation with your aunt? 11:13

A. I just told her it was somewhat predictable that at some point it would come out.

Q. What would come out?

A. The restoration. 11:13

Q. Mandoyan's restoration to duty as a deputy sheriff? 11:13

A. Yes.

Q. And when you mean it would come out, what were you indicating? 11:14

A. So I just think over time when you do something so extraordinary that isn't in the normal course of business, it's remarkable to people. And when things are remarkable, people talk about it, and ultimately it doesn't stay confidential. 11:14

So because this was so remarkable, I wasn't surprised that it made its way to the public arena.

Q. Did you say anything else to your aunt during that conversation when she was in the hospital about your views regarding Mandoyan's restoration? 11:14

A. No. I mean, her comment of it's not my responsibility to worry about anymore, that I'd made my decision and not to worry about it was, I think, the wisdom of our elders, and I moved on. 11:14

MR. GORDON: Move to strike as nonresponsive everything after the answer "no." 11:15

Q. You said you also discussed your personal view about the Mandoyan reinstatement or restoration to friends who were returning from a trip back East.

Who were they? 11:15

A. I traveled back East to them -- with them -- or to them. They were there.

Q. So you discussed it while you were back East?

A. Yes. 11:15

Q. And who were they?

A. Jodi-Lynn Flaherty, Jamie Fields and Mary Kapp.

Q. And did you express your view about the Mandoyan restoration or reinstatement to those three people in one single conversation? 11:15

A. Yes.

Q. And what did you say about your personal view regarding the Mandoyan restoration or reinstatement to Ms. Lynn, Ms. Flaherty and Ms. Fields during that conversation while you were back East? 11:15

A. The conversation was initiated because they asked me why I retired, and I explained to them that I retired because of the request that 11:16

I felt was unethical and inconsistent with my character and doesn't meet my professional standards. And I explained to them that that decision came quickly, and, you know, in less than five days I made that decision to go. 11:16

Q. Did you explain why you considered the request itself to be unethical?

A. The conversation was more brief in that this was my decision, and I just -- I explained to them that it's not consistent with how we do business. And that I felt the rewriting of someone's disciplinary history was not appropriate, and I wouldn't have a part of that, and so I made the decision to retire. 11:16

Q. Did you ever engage in any discussion with anyone about whether there was an appropriate basis to rewrite the findings from the older disciplinary finding and action against Mandoyan? 11:17

A. I don't think the conversation ever went further into a basis for the decision about why somebody decided to ask that. 11:17

Q. Do you -- strike that.

Did Larry Del Mese ever ask you to look into the Mandoyan discharge to determine whether 11:17

it had been done appropriately? 11:17

A. At any point in time?

Q. During the original November 26 phone call that you've testified about.

A. No. 11:17

Q. Did Larry Del Mese in the follow-up phone call on November 27 ever ask that -- strike that.

Did Larry Del Mese ever ask you in what you've said was a follow-up phone call on 11:18 November 27 to look into the Mandoyan discharge to determine whether it had been done appropriately?

A. No.

Q. So did Larry Del Mese ever ask you to 11:18 look into the Mandoyan discharge to determine whether it had been done appropriately?

A. Yes.

Q. When did Larry Del Mese ever ask you to look into the Mandoyan discharge to determine 11:18 whether it had been done appropriately?

A. At a point in time -- and I can't even tell you when -- the case was going through the civil service process. Larry Del Mese called me because he was concerned about the manner in 11:18

which one of the advocate sergeants was conducting herself during that proceeding. He expressed some concerns about her demeanor and her professional conduct based on the facts of the case. 11:18 11:19

I had a conversation with county counsel, who assured me that the facts of the case were solid; that the employee's --

MR. MILLER: Be careful with the attorney-client privilege. 11:19

THE WITNESS: Correct.

-- that the employees' conduct was, albeit aggressive, not inappropriate; and that they felt that because the county had a strong position, the employee's attorney was expressing displeasure for the advocate. 11:19

BY MR. GORDON:

Q. Who was the advocate sergeant you were referring to?

A. Sergeant Roam. 11:19

Q. And what did Larry Del Mese tell you Sergeant Roam had done that caused him to have concern about her behavior?

A. The conversation, as I recall, just spoke about the manner in which she her 11:19

questioning, her professional conduct. He expressed that he felt maybe she was overly invested in the case and that he wanted me to be aware of it. 11:20

And then he also felt that the county's facts weren't sufficient to support the position of discharge. 11:20

Q. Did he explain what it was about the facts that he found concerning regarding the basis for supporting discharge? 11:20

A. I don't believe the conversation got deep into a fact set. At the time my concern was whether we had an employee acting properly in there and then whether or not there were sufficient facts to support that. 11:20

MR. MILLER: Could I interject for a minute? Pardon me for doing this.

When was this?

THE WITNESS: I don't recall. It was sometime, I believe, while I was a commander in the Professional Standards Division, but I can't -- I don't have a recollection of the time frame. 11:20

MR. MILLER: So you were a commander when? What were the years again? 11:21

THE WITNESS: The only thing I could tell you is it was some point in time during the civil service -- 11:21

MR. MILLER: '14 through '16?

THE WITNESS: -- procedures. Yes. 11:21

(The reporter requested that the witness and Counsel speak in turn.)

MR. MILLER: It was probably -- she was a commander between 2014 and 2016, so it was probably around 2016. 11:21

Does that sound about right?

MR. GORDON: You don't need to --

MR. MILLER: Pardon me. It's your deposition. You're right. I'm just trying to be helpful. 11:21

THE WITNESS: It was somewhere -- the only way I could peg a time frame is if someone wants to look up when this -- this original matter was in civil service. It would be in that time frame. 11:21

BY MR. GORDON:

Q. Did you speak with Sergeant Roam about her conduct in the civil service proceeding 11:22

going on against Mandoyan? 11:22

A. No.

Q. Did you tell -- strike that.

At the time what was Lawrence Del Mese's rank? At the time you were dealing 11:22 with him at this point.

A. He was a captain.

Q. So did you tell Captain Del Mese after you spoke with county counsel that you had spoken with a county counsel attorney and you 11:22 were satisfied that Roam -- Sergeant Roam was not engaging in any inappropriate conduct, or words to that effect?

A. That's my recollection.

Q. And did he respond? 11:22

A. Yes.

Q. And what did he say?

A. I don't recall his exact words, but there was an acknowledgement on his part of what I conveyed back to him. 11:23

Q. An acknowledgment that he understood what position you were taking on the matter?

A. Yes.

Q. Did you tell Larry Del Mese that you thought his request communicated on November 26 11:23

was unethical? 11:23

A. Are we going back to 2018?

Q. Yes. You said you considered his request on November 26 unethical.

I'm just asking you: Did you ever convey to Larry Del Mese that you thought the request he made on November 26 was unethical? 11:23

A. I told him at one point that I was very concerned about how this would appear. I felt like -- I told him at one point I had looked at donations to the Villanueva campaign, and I saw that there were two people with the very -- with the exact same last name, and I thought that that could appear to be pay-to-play. I explained to him that I was very uncomfortable with that. 11:23 11:24

And -- but I don't believe I used -- I think I may have used the word "problematic," but I don't think I said to him, "This is unethical." 11:24

Q. What did the two last names on contributor -- Villanueva's contributor list have to do with you believing that Del Mese's request on November 26 regarding the reinstatement of Mandoyan was unethical? 11:24

A. So this request, as I've said, is unprecedented. To request to have someone's distant past discipline altered without any formal proceeding or fact-based documentation is highly unethical, and it's completely outside of our standards. 11:24

And then to want to short-circuit the process where this case was in court, to short-circuit that process to return somebody back, as well as the demand to have it done under Sheriff McDonnell and not even take it on as their own cause of office, was very unusual, unprecedented, and it smelled of unethical behavior. 11:25

When I got the document, to find that my name was put on there after I made it clear that I was not the person to have anything to do with that, was also highly suspect to me. 11:25

And we had just come through a federal case where our sheriff and undersheriff were going to prison for things like pay-to-play and things of that nature, and this was starting down that path. 11:25

So, yes, I wanted to be very careful about what was happening, and I did my due 11:25

diligence to make sure that not only had I not missed something, but I wasn't going to step in a big cow patty, to speak, and put my name on something that I couldn't stand behind. 11:26

Q. So did the two last names on Villanueva's contributor list have anything to do with Mandoyan? 11:26

A. Their last names were Mandoyan.

Q. And who were the individuals whose last names were Mandoyan who were on the contributors list? 11:26

A. I don't have a recollection of the names, but I'm sure if somebody looked it up, you'd find them.

MR. MILLER: I have them if you want them. 11:26

BY MR. GORDON:

Q. Well, do you recall whether it was Carl Mandoyan and his wife?

A. I don't know. I just know the last two names were Mandoyan. 11:26

MR. MILLER: I don't know what I did with it.

BY MR. GORDON:

Q. Did you ever hear anyone assert that 11:26

James McDonnell's decision on the discipline of a particular LASD officer was based in some way on whether that officer had supported McDonnell as sheriff? 11:26

A. I've never heard of anything like that. 11:27

Q. You've never heard anyone even raise that as an accusation?

A. To say that Jim McDonnell disciplined somebody because they supported his campaign?

Q. No. Because they did not support him as sheriff. In other words, they were not someone who believed in his suitability as sheriff. 11:27

A. I haven't heard that.

MR. MILLER: For the record, John, it's Marine Mandoyan, same spelling as your client, Greg Smith's client, and Peter Mandoyan. Each gave $1,500 to Alex Villanueva on September 1, 2018. 11:27

BY MR. GORDON: 11:27

Q. Did you ever hear of any accusation that McDonnell was basing a discipline decision on whether the officer being disciplined -- strike that.

Did you ever hear of any accusation 11:28

that McDonnell based a discipline decision on whether he thought the officer was in favor of his being the sheriff? 11:28

A. No.

Q. Did you ever learn of anything that caused you to suspect that James McDonnell might have disciplined a particular LASD officer based in any way on the disciplined officer's view about McDonnell as sheriff? 11:28

MR. MILLER: Objection. I thought this was the Mandoyan case not the McDonnell case. This is not relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. I'm going to object on that basis. 11:28 11:29

BY MR. GORDON:

Q. You can answer the question.

A. No.

Q. Going back to Exhibit 1, looking at pages AULT05 through AULT42, were those documents that you had in your possession at the time you were served with the deposition subpoena in this matter? 11:29

A. Yes.

Q. And how is it that you happened to have 11:30

AULT05 through AULT42 in your possession at that time?

A. So when I got the call from Larry Del Mese, I wanted to do my due diligence. I told him I would look into what he wanted me to do and look into the other matter that the -- what I'll call the second case. Not the discharge but the other one. And so these are documents that related to that case that helped me understand where they were in the process, what the discipline was, who the decision-maker was and then -- and then the case in chief itself that we're talking about.

Q. And did you take pages AULT6 through AULT42 with you when you left the department on retirement on January 2 --

MR. MILLER: You mean AULT5 through -- I think you mean AULT5.

THE WITNESS: We were talking 5 through 42.

BY MR. GORDON:

Q. 5 through -- I'll restate the question.

Did you take with you from the department when you retired on January 2, 2019, the documents marked AULT05 through AULT42?

A. Yes. 11:31

Q. And did you request permission from anyone at the department to take these personnel file documents?

A. No, I did not. 11:31

Q. Did you believe that you were required to obtain any authorization from the department to take personnel files of a deputy from the department when you left the department?

A. The taking of this was somewhat unintentional. As I was cleaning out my office, four days is quite a task, and on top of trying to accomplish all the things I needed to do to retire. And I grabbed a bunch of stuff off my desktop and took it home. 11:31 11:32

And so when I got the subpoena notice for this, I went through my files to see what I actually had, and this is what I found.

Q. So you're saying you did not intentionally take with you the particular documents AULT05 through AULT042 when you left the department on January 2, 2019? 11:32

A. Correct.

Q. When did you first discover that you had these personnel files of Mandoyan in your 11:32

possession even though you were no longer a LASD employee? 11:32

A. Sometime after I got served with the notice that I was going to be deposed.

Q. So you never looked at any of these pages, AULT5 through AULT42, between the time you took them out of the department when you were cleaning out your office at the beginning of 2019 and the day you got served with your subpoena? 11:32 11:33

A. Correct, yes.

Q. Did you think when you left the department that you might benefit from having copies of any documents concerning Mandoyan that might be helpful if the issue of Mandoyan's possible reinstatement ever came up? 11:33

A. I will tell you when I was packing up my office and leaving, Mandoyan was the last thing on my mind. Selfishly, I cared about my retirement, I cared about my financial future, I cared about taking all of my personal effects, and really I was not considering specifically Mandoyan and any future action involving him. It was very selfish when I was packing up. 11:33

Q. Was -- were Mandoyan's personnel 11:33

records the only LASD personnel records that you took with you when you departed the department at the beginning of 2019? 11:34

A. When I left my office after a 36-year career, I had about an entire wall of things that were just shoved in there. I have not gone much further than the one box that I found these in. And so I'm probably not in possession of other things, because there wasn't anything contemporary happening on my desk that I put in my files, but I don't know. 11:34 11:34

Q. Did you believe at the time you left the department that you should take any documents relating to Mandoyan in case there was ever anything that you considered to be adverse publicity about the possible Mandoyan reinstatement? 11:34

A. The only thing that I took with any intentionality -- and it wasn't even intentional -- was my personal notes that I had in my notepad. And that was the only thing with any intention I would have taken from the department. 11:35

Q. And those documents are the ones at AULT44 and AULT45? 11:35

A. Yes. 11:35

MR. GORDON: I need to take a short break -- restroom break.

THE VIDEOGRAPHER: Okay. Off the record, 11:36. 11:35

(Recess taken.)

THE VIDEOGRAPHER: Okay. The time is 11:43. We're back on the record.

BY MR. GORDON:

Q. So did you already tell me everything you remember saying to Ms. -- the three friends you visited back East concerning your view of a possible Mandoyan restoration? 11:42

A. I would answer that I told them the reasons why I retired and how that's impacted me, but we didn't have a in-depth conversation about that. 11:42

Q. So you told me everything you did say concerning your views on Mandoyan; right?

A. Yes. 11:42

Q. Tell me everything you said to your best friend Terri Taylor about your views concerning Mandoyan's restoration or reinstatement.

A. It's pretty much the same thing: that, 11:42

you know, the decision to retire was difficult; I felt that I was asked to do something inappropriate and unethical and inconsistent with my professional character; and that I had to make a decision about my future; and that I retired; and that, you know, that was a big, big deal, life-impacting decision. 11:42 11:43

Q. Did anyone ever tell you that if you didn't take steps to get Mandoyan reinstated, that you were going to be fired? 11:43

A. Nobody overtly said that, no.

Q. Did anyone ever tell you that if you didn't do anything in particular regarding Mandoyan, that you would lose your rank at the sheriff's department? 11:43

A. No.

Q. And you said you expressed your views about the Mandoyan restoration and reinstatement to two other people, Norma Flynn and Tom Moreno; right? 11:43

A. Yes.

Q. What did you say to them about your views concerning Mandoyan's restoration or reinstatement?

A. Again, the conversation was about my 11:44

decision and how that's impacted me and how I felt the request was unethical and that I felt that it was in my best interest to retire. 11:44

MR. GORDON: I'm handing the reporter to mark as Exhibit 2 a document entitled "Respondents'/Defendants' Sheriff Alex Villanueva and Los Angeles County Sheriff's Department's Notice of Deposition of Alicia Ault." 11:44

(Whereupon, Exhibit 2 was marked for identification.) 11:44

MR. MILLER: What is this? This is a notice of deposition?

BY MR. GORDON:

Q. Would you look about halfway through, and you'll see as Exhibit 1 a deposition subpoena to you for a deposition on May 30, 2019. 11:45

If you go about halfway through, you should find the cover page of the subpoena. 11:45

A. Yes.

Q. Do you recognize what's attached to the notice that's marked Exhibit 2 the deposition subpoena that was served on you that is attached as Exhibit 1 in this exhibit? 11:45

A. I'm looking at something that's entitled Attachment 3, and then there's a page No. 1.

So is that what you're referring to?

Q. No. Look at the cover page. 11:45

Do you see that subpoena?

A. Yes.

Q. That's the subpoena that was served on you several weeks ago; right?

A. Yes. 11:46

Q. When you got it, it had the second page, right, page 2 of 2, and then it had this Attachment 3?

A. Yes.

Q. Which was basically a list of document categories that you were commanded to produce at the deposition; right? 11:46

A. Yes.

Q. Did you -- when did you first see this?

I assume on the day you were served; right? 11:46

A. Yeah, on the day I was served.

Q. Did you look at the subpoena, including the request for production of documents, when you got the subpoena? 11:46

A. Yes. 11:46

Q. After you got the deposition subpoena, did you look through all of the requests for production in the 13 pages of Attachment 3?

A. I did. 11:46

Q. What, if anything, did you do to search for the 42 categories of documents demanded by the deposition subpoena?

A. So I don't have any of those documents. I didn't take any department policies and 11:46 procedures and things like that with me.

So I looked for, you know, what I would have had, and I came across the file that I had on the top of my desk that had these documents in it, but I didn't do any other searching 11:47 because I'm not the keeper of those records.

Q. So just to be clear, you said, "I don't have any of those documents. I didn't take any department policies and procedures and things like that with me" -- 11:47

A. Uh-huh.

Q. -- right?

A. Yes.

Q. But, for example, Request for Production No. 1 or No. 2 or No. 3, those aren't 11:47

requests for production of documents regarding department policies and procedures; right? 11:47

You didn't understand them to be limited or even calling for procedures or policies; right? 11:47

MR. MILLER: What page are you on now, Counsel?

MR. GORDON: Page 4 of the request -- of the subpoena -- I mean of the Attachment 3 to the subpoena. 11:48

MR. MILLER: And you're asking about 1, 2 and 3 -- Requests 1, 2 and 3?

MR. GORDON: Yeah.

Q. Specifically, I'm just following up on your answer that you didn't have any documents -- 11:48

A. Correct.

Q. -- because you didn't take any policies or procedures documents.

And I'm justify trying to get clarification from you: Did you understand the demands for production of documents to be limited only to policies or procedures? 11:48

A. No. So anything that was within here, in your request for production, I don't have 11:48

those. I'm not the keeper of those. I wouldn't have even been the keeper of those had I been employed. So I don't have any of these things. 11:48

Q. Well, you produced documents, for example, that fit within Request for Production No. 2 in part; right? 11:48

MR. MILLER: But those are regarding Mandoyan.

MR. GORDON: Right.

Q. Your documents that you produced -- 11:48

MR. MILLER: She's talking -- you guys aren't connecting. She's talking about policies and procedures, and you're asking about Mandoyan.

MR. GORDON: I'm following up on -- 11:48

MR. MILLER: We produced --

MR. GORDON: I'm following up on --

MR. MILLER: -- all the documents that we have in our -- let me just make a statement for the record. 11:49

We produced all the documents that she had regarding Mandoyan, and -- we produced all the documents regarding Mandoyan, as I just said, and she doesn't have anything else. She doesn't have anything regarding policies and 11:49

procedures. She didn't take that. 11:49

MR. GORDON: All right. I'm --

MR. MILLER: So you got everything in response to your subpoena that you asked for that she had in her possession. 11:49

BY MR. GORDON:

Q. Let me go back to your answer, then, to make sure that I understand what you're saying.

You said, "I didn't have any documents," when I asked you whether you did 11:49 anything to search for the 42 categories of documents; right? You said, "So I don't have any of those documents."

I'm just trying to get confirmation that you looked or -- you looked for any of the 11:49 42 categories of documents that you thought you might have in your custody, possession or control; is that right?

A. When I got the -- when I got your subpoena, I looked for anything that I could 11:50 possibly have had, and my recollection was I knew I had the written note. That's the last page, I believe, here in this Exhibit 1.

The other things that you're asking for did I actively go through my paperwork to see if 11:50

I had any of that, many of them I'm confident I didn't. Many of them I wouldn't have had access or possession of them even in my employment. 11:50

So the answer is yes, I read your request, I made my due diligence attempt to provide anything that was responsive, I found these documents in my possession, and I submitted them. 11:50

Q. How --

A. Did I call somebody in the department and ask them to provide No. 1 or -- no, I didn't do that. 11:50

MR. MILLER: When you say you --

THE WITNESS: I don't have them --

MR. MILLER: -- found these documents -- 11:50

THE WITNESS: -- in my personal possession.

MR. MILLER: You mean Exhibit 1?

THE WITNESS: Exhibit 1 -- 11:51

MR. MILLER: Okay.

THE WITNESS: -- in my personal possession. But I didn't call someone in the sheriff's department to ask them to provide me hiring documents or employment documents or 11:51

internal investigation documents. I did not understand your subpoena to request me to make an attempt to provide those to you. 11:51

BY MR. GORDON:

Q. So it didn't. I'm not suggesting it did. 11:51

A. Oh, okay.

Q. I'm just asking you: Did you look for all 42 categories of documents that you thought in your own mind you might have in your custody, possession or control? 11:51

A. Absolutely, yes.

Q. Okay. And the only documents that you found after conducting a search for any records responsive to Production Requests 1 through 42 are the documents that are contained in what's been marked as Exhibit 1 -- 11:51

A. Uh-huh.

Q. -- AULT1 through AULT45; is that correct? 11:51

A. It's correct with one caveat: AULT43, I didn't even have this. I pulled this off the LA Times website and submitted it because it was there. So I did everything in my power to be as responsive to you as I could, because I didn't 11:52

even copy that and take it with me. 11:52

No, I don't have that.

Q. Okay.

A. I've done my best.

Q. So to be clear, setting aside AULT43, 11:52 which you made a search for online after receiving the subpoena, you have produced to us every document that that you found and that you believe you have responsive to Request for Production 1 through Request For Production 42 11:52 in your deposition subpoena that's attached to Exhibit 2; is that correct?

A. That is correct.

Q. With regard to AULT43 contained within Exhibit 1, this is an email that you sent to 11:52 Lawrence Del Mese on November 30, 2018; correct?

A. Yes.

Q. Strike that. Or let me clarify.

The top email on that page is an email from you to Del Mese. 11:53

The email below that on November 26 at 2:56 p.m., that's an email from Del Mese to you; correct?

A. Yes.

Q. And your email back to Del Mese on 11:53

November 30 had an attachment, Office Open XML Word Processing Document 2.docx; right?

A. Yes.

Q. Was the document that was attached to your November 30 email to Del Mese at AULT43 the settlement agreement that is contained at AULT001 to AULT004 in Exhibit 1?

A. I believe it was, yes.

Q. Was the copy that you've produced as AULT001 to AULT4 the same exact substantive document with the handwriting on it that you've produced as AULT -- as -- that was attached to your November 30 email?

A. Without being able to have a copy of this email and opening that attachment and comparing it, I can't attest affirmatively. But I can tell you that that document that I wrote on is what I went "File Print" from the day I received it.

Q. So is it possible, then, that what you forwarded to Del Mese was the unhandwritten, marked version of AULT1 through AULT4 contained within Exhibit 1?

A. It is very likely that that's the circumstance.

Q. Because the attachment to your November 30 email was apparently a Word document; right? 11:55

And what's at 1 through 4 is obviously a PDF that has handwriting on it; right? 11:55

A. No.

Q. So do you believe that you could have attached as a Word document what's 1 through 4 in Exhibit 1?

A. So here's how I would explain it to you: On November 26 my understanding of how this email would be read is that Larry had sent me this document called Office Open XML Word Processing Document 2.docx. If you open that document, it should be an exact copy of AULT1 through 4. 11:55 11:56

When I sent him this message on November 30, that shows up because there was an attachment to the November 26 email. But I didn't print out these emails. I don't have -- I don't have a clean copy of this one. I don't have a clean copy of that one. This was printed off an LA Times webpage. 11:56

And so I can't tell you that the department is in possession of not only this 11:56

November 26 email but the December 30 email and any attachments that are attached.

Q. I'm sorry. Are you saying that AULT1 through AULT4 was a document that you printed off the Internet after receiving the subpoena? 11:56

MR. MILLER: No.

THE WITNESS: No. I printed -- this document was printed --

BY MR. GORDON:

Q. By "this document" you mean -- 11:56

A. "This document" meaning --

Q. -- AULT1 through 4?

Hold on. By "this document," for the record, I'm just clarifying you're holding AULT1 through 4? 11:57

A. Correct. So on November 30 -- I'm sorry. I need to correct myself.

On November 26 I received an email from Larry Del Mese which had an attachment which I am confident was titled Office Open XML Word Processing Document 2. When I printed that document, I got pages AULT1 through 4. When I sent Larry that response on November 30, this attachment automatically shows up as part of the email. 11:57

So there is no different document that I have. When I printed this out, I sat at my desk and I made these notes and I worked on this as I committed to Larry that I would do, but there's no other document, and there's no PDF. 11:57

Q. So AULT1 through 4 contains handwriting that was your handwriting made on the document while you were still at LASD before your retirement on January 2, 2019; is that what you're saying? 11:58

A. Correct.

Q. And this document, AULT1 through 4, was what was attached to your email to Del Mese on November 30, 2018?

A. I would correct you and say it was attached when Larry sent me the email on November 26. 11:58

Q. The unmarked version?

A. The unmarked version, accurate, yes.

Q. All right. So looking at AULT1 through 4, which was the attachment to the email -- actually, before we talk about the attachment, let me go back to AULT43, the document that you said you printed off the Internet after receiving the email; is that right? 11:58

A. Let me correct you. AULT1 through 4 was not printed off the Internet. AULT 1 through 4 was printed on November 26 when I got the email from Larry. The entirety of AULT43 was a document I printed off of an LA Times article because I wanted to be as responsive as possible. 11:58 11:59

Q. I understand.

A. Is that -- okay. Good.

Q. I'm just clarifying: AULT43, the one-page document, was what you printed off the Internet; right? 11:59

A. Correct.

Q. All right. That November 30 email on the top following Del Mese's November 26 email says, "As today is my last day in service to the county, I wanted to close the loop on this request." 11:59

So was that, in fact, the last day of service to the county that you served physically at LASD -- 11:59

A. Yes.

Q. -- November 30?

A. Yes.

Q. When you said, "I wanted to close the 11:59

loop on this request," are you referencing the settlement agreement that was attached to your November 30 email?

A. That was attached to the November 26 email, yes.

Q. So are you saying there was something or there was not something attached to your November 30 email?

A. The way I would describe it is on the 26th I received an email that had an attachment. When I responded back on the 30th, whether that attachment was still there I don't know. I don't really know how all the email ins and outs goes.

I just know this much: When I say "this request," I'm talking about this AULT 1 through 4 to retore this employee and sign this settlement agreement.

Q. So in the next sentence where it says, "I have given this document to Ms. Pirjo Ranasinghe, county counsel, to process Sheriff-elect Villanueva's priority request forward," which document were you referencing in that second sentence?

A. AULT 1 through 4.

Q. In its handwritten -- with the handwritten markings? 12:00

A. I don't recall if I copied the handwritten markings for her or I gave her a clean copy. 12:01

Q. And when you said you gave it to her to process, what did you mean by that?

A. I guess when I said "process," I mean I gave it to her to work on.

Q. To do what with? 12:01

A. Honestly, I don't know. I -- once I made the decision to retire, the rest of this kind of fell off. I felt like I had a good rapport with Larry, and so I wanted to be respectful to him before I left to give him a 12:01 status update on what was going on with this and what I had done and who it was left with and -- but I was not engaged much beyond that.

Once I made the decision to retire, I was, as I explained earlier, a little selfishly 12:01 focused on taking care of my retirement and some other financial matters I had to get in order before that Friday.

Q. At the time Del Mese sent you his email November 26, were you a supervisor of his? 12:02

A. No.

Q. So he was not in your chain of command?

A. No.

Q. Had he ever been in your chain of command at the LASD?

A. Yes.

Q. When was that?

A. That was back in 2014 when I was a commander and court services.

Q. So it had -- strike that.

You worked at court services while you were a commander?

A. Yes.

MR. MILLER: John, is now a good time?

I mean, you seem to be changing subjects. That's why I brought it up.

MR. GORDON: I'll finish going over this email, and then we can --

MR. MILLER: Okay.

MR. GORDON: -- take a break for lunch?

MR. MILLER: Great.

BY MR. GORDON:

Q. You said to Larry Del Mese, "I have been told this request has been given to contract counsel and the county counsel

litigation attorneys to work together with Mr. Mandoyan's attorney to achieve the goal of returning him to work." 12:03

Who were you saying had told -- or strike that. 12:03

Who had told you that the request concerning trying to get Mandoyan back to work had been given to contract counsel and the county counsel litigation attorneys to work together with Mandoyan's attorney to achieve the goal of returning him to work? 12:03

A. Ms. Pirjo Ranasinghe.

Q. Were you trying to communicate to Del Mese that Ms. Ranasinghe herself was going to be involved in working on trying to achieve the goal of returning Mandoyan to work? 12:03

A. No.

Q. So you were communicating that Ms. Ranasinghe was saying other county counsel litigation attorneys were supposed to work with contract counsel to work with Mandoyan's attorney to try and accomplish that goal? 12:04

A. My intent in this email was to provide Larry Del Mese a contact person and give him the last piece of information I had about what was 12:04

happening in regards to his request. I was not trying to make any other assertions other than to give him a contact person and a very, very brief statement of what was going on.

Q. Did you consider, when you sent this email November 30, saying anything about your feeling that Del Mese had made either a threat or a test in his November 26 phone call with you?

A. That was never a consideration to put into an email.

Q. Did you consider putting in your November 30, 2018, email to Del Mese at AULT43 anything about your view that the request he had transmitted was unethical?

A. No.

Q. Did you believe that Del Mese had any role in deciding that a request to reinstate Mandoyan should be transmitted to McDonnell?

A. I'm sorry. What was the question?

Q. Did you believe that Del Mese had any role in deciding that a request to reinstate Mandoyan should in fact be made?

MR. MILLER: I didn't get that question. Could you read it again.

MR. GORDON: Let me -- I'll try and clarify it.

Q. I'm asking whether in your own mind you thought Del Mese was in any way behind the attempt -- the decision to try to get Mandoyan reinstated?

A. I would say it was clear to me that Larry had a role in bringing -- in wanting to return Mandoyan to work, because he was making the request.

Q. Did you understand that Del Mese by that point had already been designated or selected by Alex Villanueva to play a leadership role in the upcoming administration?

A. Yes.

Q. What did you understand the sheriff had chosen Del Mese to do under his new administration to begin December 3?

A. My understanding was that he was the sheriff's chief of staff.

MR. MILLER: Okay?

MR. GORDON: Okay. That's fine. We'll look it at the settlement agreement when we come back.

MR. MILLER: Okay.

THE VIDEOGRAPHER: Off the record at 12:06 12:07.

(Whereupon, at 12:07 p.m. the deposition of ALICIA AULT was adjourned for noon recess.)

(Whereupon, at 1:10 p.m. the deposition of ALICIA AULT was reconvened.)

THE VIDEOGRAPHER: Okay. The time is 1:10. We are back on the record. 01:08

EXAMINATION (CONTINUED)

BY MR. GORDON:

Q. Now, are you aware that your counsel filed objections to the document demands in the deposition subpoena? 01:09

A. No.

Q. Have you withheld any documents that you located in your custody, possession or control responsive to any of the 42 requests for production based on any objection to any of those requests? 01:09

A. No.

Q. Now, going back to Exhibit 1, page AULT1, what did you mean when you wrote at the top of page 1, "Rewrite to our standards"? 01:09

A. So when I read this settlement agreement, it was not consistent with the manner in which the sheriff's department and other attorneys have written them. This one was very 01:09

one-sided, very employee-centric, and was asking for things that were not consistent with how the sheriff's department conducts business. 01:09

Q. Can you identify for me which of the 13 points numbered in the settlement agreement were inconsistent, in your mind, with how the department conducted business. 01:10

A. So in a settlement agreement a lot of the language is boilerplate, but it gets specific when it talks to -- about a specific employee. So the paragraph would be on AULT2. It's identified as No. 5. 01:10

So the first thing was they wanted full back pay, which was a very bold ask.

The second thing was -- I circled "Bonus I deputy sheriff," and in my research I didn't see where at the time the employee exited the department that he was receiving bonus pay. So that seemed to me as a very strange request that you would appoint somebody to a position they didn't hold at the time that they left. 01:10 01:11

The verbiage with "made whole with medical benefits," that is something I've never seen before, and it was so ambiguous. Does that mean that if he had seen a doctor, that they'd 01:11

want the county to repay him for his medical visits while he was out of service? 01:11

Then with LACERA, LACERA is an entirely separate organization. The county has no authority to force LACERA to do anything, so you can't even do that. 01:11

And then with any employee who separates service, whether it's through retirement or through a discharge, you get paid out for all of these time things that they have listed here in the last sentence. So sick, sick/personal, vacation, excess vacation, holiday percentage and save time, it seemed like to me that that was a double-dip; that you were already getting paid for those when you separated service, but now you want to have it all restored and given back to you. 01:11 01:12

And so those were the main aspects of it that I thought were very unusual and not consistent with anything I've seen before. 01:12

Q. So I didn't understand your point about double-dipping.

Are you saying that you understood Mandoyan had already been paid for sick, sick/personal, vacation, excess vacation, 01:12

holiday percentage and save time during the time he was discharged? 01:12

A. Yes.

Q. And how would he have been paid all that or through what means was he receiving that pay or that compensation? 01:12

A. So my understanding is that when an employee is discharged, whatever they're legally entitled to with sick pay or earned time, vacation time, that that all gets paid out to them at the separation point. So in my mind this was a request to -- so he's already been paid for that is the way I understand it. 01:13

So by asking to restore that, he not only received the benefit of the pay, but now you want to give it all back to him. And so in my mind that was a double-dip, and so that was my note there to inquire about that. 01:13

Q. Are you saying that the department -- it was unprecedented for a department to agree to full back pay from the date of imposition through the date of settlement when a deputy could be brought back? 01:13

A. No.

Q. Well, what were you saying was 01:13

inconsistent with standard operating procedure to include full back pay as part of a resolution? 01:13

A. Full back pay is not an automatic. That is a discussion, and it's negotiated with the decision-makers and in conversations with county counsel. And so although it's not unprecedented, it is not a automatic. 01:13

Q. Did you understand from Larry Del Mese that this settlement agreement was a settlement agreement that Mandoyan's attorney had prepared? 01:14

A. Yes.

Q. Did Larry Del Mese say anything about the sheriff saying you should accept this exact form of agreement, that is, substantively every point in the agreement? 01:14

A. There wasn't a statement that was made to that effect. The statement that was made to me is, "I've sent you over the settlement agreement. This is what we want to have happen, and so we need to" -- this was the terms of bringing him back. 01:14

Q. Did he say anything about working with -- strike that.

Did Del Mese say anything in his 01:15

November 26 phone call with you about negotiating the specific -- any specific revisions to this proposed settlement agreement with Mandoyan's attorney to come up with a final agreed-upon agreement -- settlement agreement? 01:15

A. No.

Q. Just so I'm sure I understand this correctly, Exhibit 1, consisting of pages Bates-stamped AULT1 through AULT45, are the only documents you located that were responsive to the Request for Production 1 through 42 attached to your subpoena; correct? 01:15

MR. MILLER: Objection. Asked and answered about three or four times.

MR. GORDON: I'm trying to get -- 01:15

MR. MILLER: She already said yes.

MR. GORDON: I'm trying to get confirmation.

Q. Am I understanding that correctly?

A. Confirmed again. 01:16

Q. Between November 26 and today did you ever destroy any of the documents demanded by Request for Production 1 through 42 in the subpoena included in Exhibit 2?

A. No. 01:16

Q. Between November 26, 2018, and today have you ever deposed of, that is, gotten rid of, any of those documents called for by the 42 categories of request for production in the subpoena? 01:16

A. No.

Q. Between November 26, 2018, and today have you ever transferred or caused to be transferred to anyone other than Mr. Miller's firm any of the documents in your custody, possession or control fitting within Request for Production No. 1 through 42 in Exhibit 2? 01:17

A. No.

Q. Did you search any electronic devices for any records or documents requested in Request for Production 1 through 42 in your deposition subpoena? 01:17

A. No.

Q. And why is that?

A. Because the only thing I had was that file folder that I remembered on my desk, and so that's what I was searching for in my boxes. 01:17

Q. Did you take with you over the last week or so of your time at the office at the sheriff's department any documents in electronic 01:17

form? 01:17

A. On my -- we call it a Y drive -- I had some, like, personal pictures or pictures from the department. I had, like, some historic things that I had done, like programs I had 01:18 proposed or things of that nature. But that's what I took. My pictures was most important to me.

Q. Other than the personnel records at pages included within Exhibit 1, AULT1 through 01:18 AULT45, did you take any other personnel records with you when you left the department?

A. No.

Q. Are you aware of any documents that you haven't produced which you had in your 01:18 possession, custody or control since you left the department physically at the end of November 2018?

MR. MILLER: You mean documents that are requested in the subpoena? 01:19

MR. GORDON: Yes.

MR. MILLER: I thought she's already said she gave you everything.

But you can answer the question.

MR. GORDON: Your misunderstanding my 01:19

question.
MR. MILLER: Maybe rephrase it.
BY MR. GORDON:
Q. Are you aware of any documents that you haven't produced which you had in your possession, custody or control -- strike that.
Are you aware of any documents called for by Document Requests 1 through 42 in your subpoena that you had in your custody, possession or control since you left the department physically at the end of November 2018 that you haven't produced?
A. So the question is really broad because you're asking for documents that get used on a daily basis but I was never the custodian of record. So, yes, I may have had a printout of something at some point in time, but I don't have it now, and I didn't take any of it with me.
So I'm aware that they exist. I don't have them.
Q. Right. So I'm just trying to confirm: From the time you spent your last physical day at the office --
A. Yes.

Q. -- for whatever reason the document may not be in your possession, custody or control now, have you produced every document that you have ever had custody, possession or control of since you left the office that are -- that is called for by any of the 42 categories of documents? 01:20 01:20

A. So, again, I looked in my possession, and I have provided you with everything that is responsive to your request. I have nothing else. 01:20

MR. MILLER: If she doesn't have it, how could she produce it?

MR. GORDON: I -- you're not listening to the question. 01:20

Q. I understand you produced everything that you had in your possession, custody or control as of the time you received the subpoena.

And what I'm asking you is did you ever have any possession, custody or control of any of those documents between the last day you worked at the office and today that you haven't produced? So maybe they burned up in a fire. Maybe your dog ate them. 01:20 01:21

Any number -- any explanation for why a document that is responsive to this you haven't produced that you have in your custody, possession or control after leaving the office? 01:21

A. The only documents that I have that were in my custody, care and control from the time I left the department to this day are -- is this pile, Exhibit 1, period. I have nothing else that I had at any other point in time. 01:21

Q. Did you participate in any way in any inspect of the disciplinary proceedings against Mandoyan while he was still a deputy sheriff? 01:21

A. No.

Q. While you were still a member -- strike that. 01:21

While Mandoyan was still a member of the Los Angeles Sheriff's Department, did you know anything about the sheriff's disciplinary proceedings against Mandoyan?

A. I was made aware of them when I got that call from Larry Del Mese asking me to look into what was happening in the civil service proceedings. 01:22

Q. And that's the first time you ever knew anything about any disciplinary proceedings 01:22

against Mr. Mandoyan? 01:22

A. Yes.

Q. Other than that one call you got from Larry Del Mese to discuss what was going on in the civil service proceeding against Mandoyan, 01:22 did you ever have any involvement in anything to do with any disciplinary proceedings or other proceedings against Mandoyan before Larry Del Mese called you on November 26?

A. Not to my recollection, no. 01:23

Q. Since retiring from the sheriff's department, have you learned anything about any aspect of proceedings against Mandoyan whether within LASD, the Civil Service Commission or court proceedings? 01:23

A. I'm only aware of what's been in the media, but I've not spoken to anybody in the organization about anything that's happening with him.

Q. Or has happened to him since you left? 01:23

A. Correct.

Q. Do you know anything about any tape-recorded interview of Sheriff's Deputy Lisa Richardson by an IAB deputy with the last name of Roam you've mentioned in your deposition? 01:24

A. I don't know anything about that. 01:24

Q. Did you know anything -- do you know anything concerning any interview that IAB -- strike that.

Do you know anything about any 01:24 interview of a deputy named Lisa Richardson by the IAB deputy named Roam concerning a conversation that Richardson had with deputy Amber Taylor about Mandoyan?

A. I'm not aware of any audio recording 01:24 involving Roam and Taylor.

Q. And my last question was just with reference to an interview, irrespective of whether it was an audio-recorded interview?

A. I have no knowledge of any of that. 01:24

Q. While you were a chief with oversight of the Internal Affairs Bureau, were you ever aware of any interview of a deputy who said that Deputy Taylor had, in fact -- that Deputy Taylor said that Mandoyan had not done anything to 01:25 assault her?

A. No.

Q. Have you ever heard of anyone telling anyone from the Internal Affairs Bureau that Deputy Taylor had denied that Mandoyan had 01:25

physically done anything to make her afraid of him? 01:25

A. No.

Q. Have you ever learned of any information suggesting that any evidence acquired by the Internal Affairs Bureau concerning allegations against Mandoyan had not been entered into evidence? 01:25

A. No.

Q. If an interview is done by an IAB officer concerning a matter of discipline against a deputy, is the -- is any notation of such an any interview supposed to be entered into the records of IAB? 01:25

A. In most cases interviews that are percipient should be indicated in the case. 01:26

Q. And if there's a tape recording of the interview, obviously the tape recording is supposed to be entered into evidence; right?

A. Correct. 01:26

And just for clarification, we wouldn't call it evidence, but it should be included in the packet. Evidence is not part of an administrative case, per se.

Q. Would you say it should be recorded in 01:26

an IAB file concerning allegations of misconduct against the deputy? 01:26

A. Yes.

Q. Do you know whether the sheriff's department had any rules or policies during the McDonnell administration concerning disclosure of exculpatory evidence to officers who were the subject of disciplinary proceedings? 01:26

A. That question's vague. Can you say it again. 01:27

Q. Do you know whether the sheriff's department had any rules or policies during the McDonnell administration which govern the disclosure of exculpatory evidence to a deputy who was the subject of disciplinary proceedings? 01:27

A. I'm not aware of a specific policy that is overtly directing people to provide exculpatory information. I'm not aware of one.

Q. So when under your command an IAB deputy interviewed someone who reported that the victim denied the -- denied the allegation against a deputy that was the subject of discipline, would that typically be recorded in the file of the deputy's disciplinary proceeding? 01:27 01:27

A. Yes. 01:28

Q. And while you were overseeing IAB, would that typically be a matter that would be disclosed to the deputy or his counsel?

A. Yes. 01:28

MR. MILLER: I object to the -- I don't understand these questions. This was all litigated in front of the Civil Service Commission. Are you trying to redo that? I guess so. 01:28

I object. This is a waste of time.

BY MR. GORDON:

Q. Were you involved in any way in any of the writ petition proceedings in superior court concerning Deputy Mandoyan? 01:28

A. No.

Q. While you were still a member of the sheriff's department, did you know anything about writ petition proceedings in superior court concerning Mandoyan? 01:28

A. No.

Q. And other than what you've read or heard in media reports, have you learned anything about any of the writ petition proceedings in the superior court concerning 01:29

Mandoyan? 01:29

A. No.

Q. Other than what you were told by Larry Del Mese or Roam concerning the civil service proceedings against Mandoyan, have you ever 01:29 learned anything about the civil service proceedings concerning Mandoyan?

A. So I was never told anything about the proceedings by Roam, and I have learned that the civil service -- not only the hearing officer, 01:29 but the entire panel upheld his discharge.

Q. And is that the only thing you've ever learned about the civil service proceedings involving Mandoyan's discipline?

A. The only other information I had is 01:29 when I looked into the matter at Larry's request. I did learn that it was a -- it was a very difficult hearing; that Christine Roam, the sergeant, was very aggressive in her putting forth of her case; and that there was also a 01:30 robust case put on by the other side. And that's really all the information I learned about that.

MR. MILLER: Did Christine Roam represent Larry -- I mean represent -- not 01:30

Larry -- Mandoyan? 01:30

THE WITNESS: No.

MR. MILLER: She was representing --

THE WITNESS: The county's interest.

MR. MILLER: The county's interest. 01:30

Okay. Got it.

BY MR. GORDON:

Q. Did you ever participate yourself in any way in any review of the department's discharge of Mandoyan? 01:30

A. The only time I did a review of the discharge of Mandoyan was subsequent to the call from Larry Del Mese on November 26 when I pulled up this document in AULT -- starting on page AULT14 that ends on AULT42. 01:31

Q. And you read that civil service proceeding report?

A. Yes.

Q. Other than doing that, did you ever participate in any way in any review of the department's discharge of Mandoyan? 01:31

A. No.

Q. Were you ever asked to personally participate in any review of the department's discharge of Mandoyan? 01:31

A. No. 01:31

Q. What was the nature of your relationship with Larry Del Mese at the time he called you on November 26 to discuss a potential review of Mandoyan's case? 01:31

A. So I would say when Larry Del Mese called me on November 26, we had a positive relationship. I think Larry is a very nice person, and we had a good supervisor/subordinate assistant relationship. At times we talked 01:32 about personal matters, and I appreciated his work.

Q. Did you have any negative -- were there any negative aspects to your relationship with Larry Del Mese at the time he spoke with on 01:32 November 26 other than your reaction to the request?

A. No.

Q. Now, during your last week in the office did you ever get driven home from the 01:32 office by another member of the department?

A. Yes.

Q. Who was that?

A. On my last day of work one of my subordinates who lives in a different part of my 01:32

city drove me home. 01:33

Q. And who was the subordinate?

A. That was Captain Josie Woolum.

Q. And why did you have Captain Josie Woolum drive you home on -- this was November 30 you're talking about? 01:33

A. Yes.

Q. Why did you have Captain Josie Woolum drive you home on November 30?

A. Because Captain Woolum also has a car assigned to her from the county. Because she lives in the same city as I do, albeit a different part, and because I didn't feel it would be appropriate to ask a member of my staff who is at a much lower rank than her to take me home and drop me off. 01:33

Q. Is that ride by Josie Woolum on November 30 the only time anyone from the department drove you home during your last week at the office from November 26 to November 30? 01:33

A. I don't recall anybody driving me home, because I had my car up until then. So no.

Q. Did -- strike.

Did Commander Steve Gross drive you home one day during your last week at the office 01:34

between November 26 and November 30, 2018? 01:34

A. I don't have a recollection of that. I don't know why he would have.

Q. Did you tell Commander Gross during the last week you were at the office that you 01:34 weren't feeling well and asked him to drive you home?

MR. MILLER: She said she didn't recall it.

BY MR. GORDON: 01:34

Q. You can answer --

MR. MILLER: Go ahead.

BY MR. GORDON:

Q. -- my question.

MR. MILLER: Answer the question. 01:34

THE WITNESS: That sounds familiar, but I don't have a clear recollection of that.

BY MR. GORDON:

Q. Did you receive a phone call from Larry Del Mese while you were in a car being driven by 01:35 Commander Steve Gross to your home on a day that you said you were not feeling well near the very end of your tenure at the sheriff's department?

A. I don't have a recollection of that.

Q. You said you thought it sounded 01:35

familiar that Steve Gross drove you home; 01:35
correct?
A. Correct.
Q. When do you place in your mind, as best
you can, when you think that might have been? 01:35
A. I couldn't even begin to tell you. The
only thing that prompts the recollection is I
think I vaguely remember asking him to do that
on one particular day because I left some
medication that I needed to take -- take. I had 01:35
left it at home, and it was causing me to be a
little light-headed.
And so I vaguely remember that, but I
have no specific, like, details about -- I
couldn't place it in time. 01:36
Q. At all?
A. I can't. I just -- I have a
recollection of one day not feeling well enough
to drive home. I think I started walking out of
the building to go home, but I could not tell 01:36
you what month. I don't -- I don't know.
Q. At the end of the day -- strike that.
Was there an occasion that Steve Gross
was driving you home at your request when you
received a call from Larry Del Mese on the 01:37

phone? 01:37

A. I don't recall that.

Q. Did you receive a phone call from Larry Del Mese concerning the Mandoyan case while you were being driven home by Steve Gross near the 01:37 very end of your tenure at the LASD?

A. I don't recall that.

Q. Did you tell Larry Del Mese in a phone call while you were being driven home by Steve Gross to your home at his request near the very 01:37 end of your tenure where you asked him words to the effect of "Is this quid pro quo? Do I keep my job if I do it?" referring to his request that you submit the Mandoyan matter for reconsideration by McDonnell's administration? 01:37

A. I don't recall that.

Q. Do you deny that, in fact, you said it?

A. I don't recall that I said it.

Q. Do you recall that you did not say it?

A. I have no recollection of any of that. 01:38 I have a vague recollection of one day going home ill and maybe asking Steve Gross to drive me home, but I don't have a recollection of that conversation. It doesn't -- it's not ringing a bell to me. 01:38

Q. Did you have a conversation in the car being driven by Steve Gross at your request when he was driving you home near the end of your tenure where Larry Del Mese told you there was no quid pro quo, meaning there was no agreed-upon arrangement that if you complied with his request to submit the Mandoyan matter for reconsideration by McDonnell, that you would keep your job? 01:38 01:38

A. I have no recollection of that at all. 01:38

Q. Now, there are some things you know did not happen; right?

A. Right.

Q. I mean, you know you've never been President of the United States; right? 01:39

A. I'm pretty clear about that.

Q. There's some things you're just not sure whether they happened or not; right?

A. Correct.

Q. You can't 100 percent deny that it happened; you just don't recall it happening; right? 01:39

A. Okay.

Q. Okay. Is the subject of receiving a phone call from Del Mese about the Mandoyan 01:39

matter between November 26 and November 30 in which he transmitted the request regarding Mandoyan and there was a conversation about a quid pro quo something that you know did not happen or something you cannot definitively say one way or another happened? 01:39 01:39

A. All I can tell you is I have absolutely no recollection of that conversation occurring. It doesn't ring a bell. I don't even know -- I mean, I can't even tell you there's a vague wisp of "Oh, yeah, I remember that." It is completely something that I have zero recollection of and zero belief that I even had that conversation. 01:40

Q. Were you light-headed in the car at the time Steve Gross was driving you home after you had failed to take your medication? 01:40

A. I was light-headed enough to ask somebody to drive me home.

Q. Going back to Exhibit 1, AULT43, the email you sent to Del Mese -- 01:41

A. Yes.

Q. -- when you said, "As today is my last day in service to the county," were you trying to convey to him it was your last day physically 01:41

serving as an LASD employee on active duty? 01:41

A. Yes.

Q. Did you have vacation or sick time or other time stored up that you used between December 1 and when you formally retired on the 01:41 second of January 2019?

A. Yes. I was off work on approved leave.

Q. Now, going to AULT44 in Exhibit 1, can you -- this is your handwriting; right?

A. Correct. 01:41

Q. And these are notes that you took that you still had in your custody, possession or control at the time you got served the deposition subpoena?

A. Yes. 01:41

Q. Can you explain your notes that you wrote on this page, AULT44?

A. Yes. So the numbers at the top, 2383392, refer to one of the Mandoyan cases, and if I flip back to the front, AULT01, in Item 01:42 No. 1 it's listed there. So that indicates to me that that is the case involving the domestic violence.

Below that it says "Lawsuit 9/7 of '18," and then "Lawsuit 8/27 of '18." So I 01:42

was told that he had filed two lawsuits against the County of Los Angeles, and if I recall correctly, these were the dates the lawsuits were filed. 01:42

Over to the side there's a circle with a "Yes" -- or a "Y," which to me indicates "yes," and so -- and then it says "Release of both lawsuits." Then below -- 01:42

Q. Hold on. Before you move on, what do you mean "Y" means "yes"? 01:43

Yes what?

A. So, yes, that one of the hurdles that would have to be overcome if Mandoyan was to ever be returned to work is that he would have to release the county of liability on both lawsuits that he had filed. 01:43

Q. Okay.

A. Down below it says "Discipline" with a question mark, and then it has the letter "N" in it. My recollection is that refers to the case that involved a use of force, which is case No. 2392810, and that -- the "N" means no, that case would not be changed to a different outcome. 01:43

If you go over, there's another -- 01:43

Q. Hold on. Hold on. Let me just -- before you move on to the rest. 01:43

When you say no, that case would not be changed, what do you mean about that?

A. So the request was change that case from founded and wipe out the five days of discipline, and change it to unfounded, and that was not a consideration. That was not -- that was not going to be something on any table -- 01:44

Q. And -- 01:44

A. -- [overspoken].

Q. -- is this you writing down your view of what the department's position should be or you reporting what someone above you or across from you said the department's position was going to be? 01:44

A. Part of it had to do with details of what was possible and what would even be considered on any given day, but it was not a direct, like, task list, if you will. 01:44

Q. What would --

A. It was -- they were interim discussions.

Q. With whom?

A. With -- parts of this are from county 01:44

counsel. Yes. 01:45

Q. So this is you recording what you believe the department's position was going to be based on what county counsel's position was?

A. It had more to do with possibilities as opposed to a position. 01:45

Q. Who was the county counsel that you're speaking with to determine what the department's position was possibly going to be?

A. I wouldn't say this conversation related to department's position. It had more to do with hurdles and information I could -- I could take back. 01:45

Q. Take back from whom --

A. From -- 01:45

Q. -- to whom?

A. Take back to Larry Del Mese about what were sort of standard operating procedures.

Q. So you were writing down "No" after speaking with county counsel as a notation to you to tell Del Mese that removing -- or changing the finding in the prior disciplinary proceeding from founded to unfounded was not a possibility? 01:46

A. So some of these notations had to do 01:46

with, Is this even possible? Could this even possibly happen? So that's where you get the -- like, this was my self-notes. So that's why there's the yeses and the nos, like, Okay. Is this even possible? Is it even a possibility? 01:46

So this was not even so much even -- it was prompted by Mandoyan, but it's not necessarily even at times about Mandoyan.

Q. I'm sorry. And who was the county counsel that you said you spoke with? 01:46

A. Pirjo Ranasinghe.

Q. So these notes are reflecting your understanding after speaking with her?

A. Of possibilities.

Q. Okay. So after speaking with her, your notation was "No" as to discipline as to the prior matter; that that was not -- that was not even a possibility to be changed? 01:47

A. It's more about, Has this ever happened before? Have you ever come across this? Has this ever been done in the past? 01:47

It wasn't, What are we going to do about Mandoyan? It was, This is what I learned in AULT1 through 4. This is what I'm seeing their ask. Are these things even possible? 01:47

Have we ever done this? Is this even something that the county could consider?

So it wasn't like, Tell me what we can do or not do. It has a lot to do with, What have we done? Is this even reasonable? It was me doing my due diligence about process. 01:47

Q. And what's the "Y" regarding zero with a line through it "back pay"?

A. So would back pay even -- would back pay even be considered in a matter such as this? What's our record? What's our historical record? And the answer was yes, we would not -- if you -- the way my brain works was yes, zero back pay. There would be no back pay. 01:47 01:48

Q. And what about the next entry with a question mark? 01:48

A. The one was how do you -- so the issue was, How do you even bring a guy back like that? And it was, As if he were on a leave of absence. So you would handle that as if he were gone. And I don't know really know what that pertained to, because it was my thoughts at the time. 01:48

And then the circle underneath that is "OOS," which is "out of service," and then the question was, Place where? So if he were ever 01:48

to come back, where would he go? 01:48

Q. Have you told me everything that you had in mind at the time you made the notes reflected on AULT44?

MR. MILLER: Can I ask a question? 01:49

When did you make these notes?

THE WITNESS: It was made sometime -- sometime after the 26th but probably before the 28th as I was going through my head, What would I want to know? What are my questions? 01:49 What would I want answered? It was me going through this what-if scenario based on AULT1 through 4.

BY MR. GORDON:

Q. And on AULT45 it's got a date 11/26/18. 01:49

This is all your handwriting too; correct?

A. Yes.

Q. Were these all notes that you wrote on November 26, 2018? 01:49

A. Yes.

Q. Were these notes of a phone call that you had with Larry Del Mese from that day?

A. Yes.

Q. Where did you make these notes? 01:49

A. So on my desk I kept with me a binder that I kept notes in, and when my secretary told me he was on the phone, I pulled my notepad out. Because I'm assuming there was going to be an ask, and so I was making notes as we spoke. 01:49 01:50

Q. And why is it that you were assuming that there was going to be an ask?

A. Because my understanding was Larry Del Mese was on the transition team, and I'm pretty sure the reason he was calling was to ask for something. Whether it was going to be statistics, a particular case, a question about process, I knew there was going to be some sort of ask, and so I wanted to be ready to make sure I copied what he was going to ask me. 01:50 01:50

Q. And what was the first entry? Can you decipher that for us?

Does it say, "Looking at photo of me on org chart"?

A. Yes. 01:50

Q. Is that a dash, "Newer photo"?

A. Yes.

Q. What did you mean by that?

A. He said he's looking at a newer photo of me. 01:50

Q. And do you know what the most recent org chart was under the McDonnell administration? 01:50

Did it have a photo of you?

A. I think it did. 01:51

Q. So from this could you tell whether he was looking at an original -- I mean an existing organization chart under McDonnell as opposed to a prospective organizational chart for when Villanueva would take office? 01:51

A. Well, I asked him that question, and he wouldn't answer.

Q. But what I'm asking you is could you tell from his comment which he was referring to?

A. I had no idea what he was looking at. 01:51

Q. And then you've got the number "1." I assume "Return to work Mandoyan" --

A. "Caren."

Q. Caren, his first name?

A. Uh-huh. 01:51

Q. And then "S/A."

What is "S/A"?

A. "S/A" means "settlement agreement."

Q. "To chief of division"?

A. So number -- 01:51

Q. Is that what -- 01:51
A. Let me help.
Q. Okay.
A. "Return to work Mandoyan, Caren. Settlement agreement." 01:51
"To chief of division" is me telling him, You need to send your request to the chief of the division where Mandoyan was assigned at the time he separated from the organization.
Q. And who was that? 01:52
A. Seated in the chair, if I recall correctly, it -- I initially thought it was John Benedict, but I think Hollywood had been moved over to Central Patrol, which would have been Joe Gooden. 01:52
Q. What does the next line say?
A. It says, "No to undersheriff to hours benefit." My writing is horrible, so I'm assuming it means "to hours benefit."
Q. Do you know what you were trying to convey to yourself through your notes? 01:52
A. So I think probably in the conversation I'm saying no, it needs to be to the undersheriff. But I honestly don't know what "to" -- and then what I'm assuming I wrote was 01:53

"hours" and "benefit." I don't actually know what I was trying to convey to myself or to Larry at that point. 01:53

Q. And then the next line?

A. Is "L/U," which means "look up case." And then I wrote down 2383392, and then I wrote next to that "Get back," meaning "get back to Larry." So that was during -- so that was that. 01:53

Q. And then you had a line and then another set of notes; right? 01:53

A. So it says -- there's a discharge case and then a dash, and then "05 days out of statute." And then underneath of discharge case I probably wrote later, and this would not have been during the conversation. So those little "v" marks and that kind of loopy line would say, "Release two lawsuits. No back pay. As if on leave. Place where? And any discipline." 01:53

So what you saw here was a recap on that note on AULT44. 01:54

And then "Not on the table" I wrote, meaning that wasn't going to be a part of any settlement agreement for the discharge, because that's a separate issue.

And then associated with that, I have 01:54

the box, and the box says, "Look in ERCOM." So that was telling me to go pull some of the other documents that are within this packet to take a look and see what happened with that case and what was that case all about. So this was my -- sort of after that my notes to myself of what to do and how to take a look at that. 01:54 01:54

Q. So the note -- other than the downward arrow on the bottom half of the page and the kind of squiggly line and "Not on table," was everything else written on November 26 during the phone call on page AULT45? 01:55

A. So if I had to tell you the way that I conduct myself and my note-keeping, that line would indicate the conversation ended. Because where it says, "Get back," that was pretty much, you know, in my mind, where the conversation ended. And then below the line was my follow-up to the tasks or the conversation above. 01:55

Q. Which would have been written between November 26 and your last day at the office on November 30, 2018? 01:55

A. I would say absolutely. Sometime prior to that.

Q. Sometime prior to November 30? 01:55

A. Yes. 01:55

Q. So under the line where it says "Discharge case" and then you've got a downward arrow, "Release two lawsuits," you're saying that that was something that you understood was 01:56 possible?

A. So that was just -- as I went through the documents and looked at what was -- what were the things that I needed to think about -- and if I can go back a moment. 01:56

When Larry called and asked about this, my initial instinct was to say it's unethical, it's inappropriate, it's not consistent with that, but I wanted to do my due diligence. And so in doing my due diligence to make sure I 01:56 wasn't reactive, that I was basing my information on fact and knowledge, I wanted to do my own work before I made sure about everything that I believed to be true.

And so these are the things that I'm 01:56 saying to myself, What has to happen? Is there a release for these lawsuits? Are they willing to do that?

Q. Is who willing to do that?

A. Is Mandoyan willing to release the two 01:57

lawsuits? And then in the cases like this there wouldn't be back pay. And how do you want to carry, you know, his absence from the department? 01:57

There's all these very detailed and specific things that go on, and they're all considerations in offers to people and settlement agreements. So these were considerations that I had written down as you take a look at the discharge case and then take a look at the other case. So these are sort of like working notes for me and wanting to get clarifications along the way. 01:57

Q. Did you have your conversation with the county counsel attorney about Mandoyan between the time you took the notes on the first half of page AULT45 and the time you wrote the notes at the bottom half of the page of AULT45? 01:57

MR. MILLER: You mean with Pirjo?

MR. GORDON: Yes. 01:58

THE WITNESS: I don't -- I can't articulate the timing. I can just tell you this: I'm very clear I got a call from Larry, the next call I made was to Pirjo, and the third call I made in succession was to the 01:58

undersheriff. 01:58

BY MR. GORDON:

Q. I'm asking you about the notes on the bottom half of the page: Did you provide any timing with respect to your call with Pirjo, the 01:58 county counsel attorney?

A. I would say they're reasonably contemporary. Because I had that box that says, "Look in ERCOM." And so because of that I would say it's contemporary, but I couldn't tell you 01:58 when. I don't have a specific recollection of when.

Q. Have you now told me everything you can remember about what you intended from the notes you wrote on AULT45? 01:58

A. Yes.

Q. Have you now told me everything you can remember about what you intended by making the notes -- writing the notes on AULT44?

A. Yes. 01:59

Q. Did you understand you had the right under Civil Service Commission rules to remain as a commander under Villanueva even if he removed you as a chief?

A. Yes. 01:59

Q. And did you decide that you were not interested in remaining as a commander even if he removed you as a chief? 01:59

A. If I had remained and I had been removed down to the rank of commander, the financial implications are profound, and I wasn't willing to risk my financial future for something that I felt was really unethical. 01:59

Q. And you at this time -- how many years had you served at the sheriff's department? 01:59

A. Over 36.

Q. Were you still accruing pension benefits on a yearly basis after serving 36 years there?

A. Yes. 02:00

Q. And what pension benefits were you accruing on a yearly basis even after serving 36 years?

Was it a percentage of your salary each year that kept on going up? 02:00

A. I think that's how it works. I'm not particularly versed in that.

Q. And do you know when -- strike that.

Was there a mandatory retirement age?

A. No. 02:00

Q. How many boxes of documents did you take from your sheriff's department office during the time you were packing up after learning that Villanueva would be the sheriff on November 26? 02:00

MR. MILLER: Objection. Asked and answered.

You can answer it again.

BY MR. GORDON:

Q. You told me how many boxes you took? 02:00

A. I don't have an estimate of documents. I think we just talked about there was a large amount --

MR. MILLER: Personal stuff.

THE WITNESS: -- personal items I took. 02:01

BY MR. GORDON:

Q. Can you tell me -- can you provide any estimate of how many pages, inches, boxes of documents you removed from the sheriff's department office? 02:01

MR. MILLER: She said it was personal items. She didn't say --

MR. GORDON: You don't need to testify. I'm just asking her a question. If you want to say it's asked and answered, fine, make your 02:01

objection.
MR. MILLER: Objection. It's also vague and ambiguous.
MR. GORDON: Okay.
Q. So my question is can you give me any estimate of the volume of documents -- LASD-related documents that you took with you during your last week at the sheriff's department between November 26 and November 30?
A. I would say of documents it was a couple folders full. It wasn't a lot.
Q. Did you ever speak on the phone with Del Mese while you were in a vehicle concerning the Mandoyan matter?
A. My recollection is we spoke when I was in the office.
Q. So is your answer no, you don't believe that you -- strike that.
So my question was did you ever speak on the phone with Del Mese while you were in a vehicle concerning the Mandoyan matter?
A. And my recollection is I spoke with Del Mese while I was in an office.
Q. Only when you were in an office --
A. Yeah.

Q. -- is what you're saying? 02:02
A. That's my distinct recollection.
Q. Did you ever speak with Larry Del Mese while you were in the presence of Steve Gross?
MR. MILLER: Objection. Asked and 02:03
answered.
MR. GORDON: No, it wasn't.
Q. You can answer --
MR. MILLER: You can answer.
BY MR. GORDON: 02:03
Q. You can answer that. I've never --
A. I have no recollection of speaking to Larry Del Mese in front of Steve Gross.
Q. Now, you've testified that you printed out a copy of AULT43 from an LA Times article 02:03
that was online; right?
A. Yes.
Q. And that was an article by Los Angeles Times writer Maya Lau; right?
A. Yes. 02:03
Q. Did you ever speak with Maya Lau about the Mandoyan matter?
A. That would be a yes and no.
Q. When did you first speak with Maya Lau in a conversation in which the Mandoyan matter 02:04

arose? 02:04

A. Maya Lau showed up at my home uninvited and wanted to speak to me about the Mandoyan matter.

Q. And I meant by "when" date-wise? 02:04

A. I would say sometime in December or January. I'd have to go back and look. I don't know.

Q. When you say "go back and look," how would you be able to place the timing of her 02:04 visit to your house?

A. Because the day my aunt came home from the hospital was the day that Maya Lau showed up on my doorstep.

Q. Okay. So if I leave a place in the 02:04 transcript for you to identify the date that Maya Lau showed up at your house and the subject of Mandoyan arose, you can fill in that blank with a date by determining the exact day that your aunt returned from the hospital? 02:04

A. Yes.

(Information requested: _____ _____ _____)

BY MR. GORDON: 10:39

Q. All right. What did Maya Lau ask you -- strike that.

How did the subject of Mandoyan arise during the conversation between Maya Lau and you? 02:05

MR. MILLER: Objection. Assumes facts not in evidence that there was a conversation.

You can go ahead and answer it.

BY MR. GORDON: 02:05

Q. Am I misunderstanding that the subject of Mandoyan arose during a conversation between you and Maya Lau?

A. You're correct; it did.

Q. Okay. And my question is can you tell me how the subject of Mandoyan arose during that conversation? 02:05

A. She brought it up.

Q. What did she say to bring up the subject of Mandoyan during her conversation with you at your house? 02:05

A. She said that she came to my house because she wanted me to talk to her about Mandoyan. She felt that I had information that would be helpful to a news article that she was 02:05

writing, and she wanted me to give her information. 02:05

Q. And what was your response to her?

A. My response to her was I had nothing to say to her. And I further told her that I had no intention of talking to her. I told her that any information that I had would be part and parcel to my work, and she clearly didn't know me, and that I left work because of an ethical issue, and I wouldn't breach that ethical issue even in my retirement to share with her anything that I knew. 02:06 02:06

Q. And is that the totality of what you said to her, in substance?

A. In substance it was made clear to her in spite of her repeated cajoling that I had absolutely nothing to say to her. It was not something that I wanted to talk about. 02:06

She asked me if I had a point where I would be willing to talk to her, and I told her what my line in the sand was. And I told her if I wanted to ever talk to her, I knew how to find her and that she didn't need to come back to my home. 02:06

Q. Did you ever say anything to her about 02:07

Mandoyan specifically? 02:07

A. No.

Q. Did you ever say that you thought anyone from the sheriff's department had asked you to do something unethical? 02:07

A. I told her that I retired for reasons that I felt were crossing an ethical boundary and that I wouldn't violate those same ethics just to give her a story.

Q. Did you say anything else to her during your conversation at your house? 02:07

A. I just told her that I didn't have anything to say to her; that if I wanted to talk to her I would find her; I knew how to find her. She asked me if she could have my phone number, and I told her no. 02:07

And I told her she's a good investigator and that if she needed information, she knew where she could find it, but it wasn't going to be from me. 02:07

Q. Did you ever communicate directly or indirectly to Maya Lau or anyone at the LA Times any information that you thought would lead them to request from the sheriff's department the November 30 email from you to Larry Del Mese? 02:08

A. I told Maya Lau she's a good investigator and that she knows how to do a PRA, and if she wants to find information, she could do PRAs. 02:08

Q. And in that conversation did you say anything to her beyond that that would focus her in any way on your November 30 email to Larry Del Mese that's AULT43? 02:08

A. I don't know if I specifically told her that. The conversation was very uncomfortable for me. I didn't want her at my home. My aunt had just come home from the hospital. I actually thought she was a home healthcare giver. 02:08

I may have told her, "If you want to look, go do a PRA. Look for emails. Look for documents. You know how to do that, so, you know, go do what you do. Go be a good investigator. Go be a good reporter" is kind of what I told her. 02:08 02:09

And asked her -- you know, when she said, "Okay. Well" -- and she told -- I think she told me she already did it, by the way.

And so I'm like, "Okay. Then go do what you do" and, you know, "I got to go. I'm 02:09

taking care of my aunt." 02:09

So that was kind of the gist.

Q. And in telling her what she could do in terms of submitting a PRA -- that's a Public Records Act request; right? 02:09

A. Correct.

Q. -- did you say anything about any email from you to Larry Del Mese?

A. My recollection is, yes, I told her, "You can look for emails. You can do whatever you need to do. I mean, go do what you do." 02:09

She had come to my house one time prior, and I wasn't home, and I didn't want to talk to her. So, "Go investigate. Go do what you do. You've done it before." That was kind of the conversation to sort of shoo her away. "Go do your thing, but I don't want to be a part of it." 02:09

Q. Yeah, by looking for an email from you to Larry Del Mese concerning Mandoyan; right? 02:10

A. By telling her to go be an investigator. There's investigative principles. I wanted her to leave my home. I didn't want to talk to her about Mandoyan or anything else.

MR. MILLER: He's asking you did you 02:10

direct her to a specific email. 02:10

THE WITNESS: I think my specific direction to her was, "Look for emails. Go do what you do."

BY MR. GORDON: 02:10

Q. From -- did you say anything to her directly focusing her on an email from you to Del Mese is my question?

A. That conversation was very disturbing to me to have her on my doorstep. I didn't 02:10 appreciate it. It -- didn't like it. Yeah, I probably told her, "Go look for emails. Go look for emails that you're concerned about."

I don't -- I don't recall if I'm like, And look for an email dated November 26 that has 02:10 this content and that header and this and that. I just recall wanting her to leave my home so I could take care of my aunt, and I wanted to her to leave, and I wasn't going to tell her anything. 02:11

And she asked me if I would talk to her, and I'm like, "I have nothing to say."

Q. When you were talking with Maya Lau, did you feel in your own mind like you wanted to direct her to an email that you thought would 02:11

vindicate you? 02:11

A. I don't know in that conversation I felt like I needed vindication. There was nothing for me to be vindicated by. I made a decision, and I made it on my own. I don't know 02:11 that vindication is anything that I need.

Q. Did you think in your own mind when you were talking with Maya Lau at your own home that directing her to an email from you to Larry Del Mese would show what the new incoming 02:11 sheriff had in mind before he even took office?

A. When Maya Lau came to my home, my goal was to have her leave my house. It wasn't to reveal anything that I knew about this matter.

And I didn't ask her -- I don't recall 02:12 asking her specifically. I do remember mentioning emails, saying, "Go look for email. Go look for that. Go do what you do. Get a PRA."

Q. When you saw this email in the LA -- 02:12 strike that.

When is the first time you ever saw that your email to Larry Del Mese on November 30 was linked to an LA Times article?

A. When -- I think I saw it on the news in 02:12

the morning or -- I get the LA Times electronically, so I think I saw it in there. 02:12

Q. And when you saw it, did you remember that you had directed Maya Lau to any particular emails or categories of emails? 02:12

A. Here's what stood out to me in reading the article is that she wrote in the article that I was unavailable for comment. And I remember being thankful.

Because I know this much: She did not call me and specifically ask me about any emails that she located. And I was grateful that she was respectful in that fashion and didn't bother to call me again. 02:13

Q. My question, though, was when you saw the email that's AULT43 linked to her LA Times online article, did you remember that you had directed her to any particular emails or categories of emails? 02:13

A. No. 02:13

MR. MILLER: I'd say that's -- I call that beating a dead horse.

MR. GORDON: Thanks for your guidance. I appreciate it.

MR. MILLER: Anytime. 02:13

MR. GORDON: [Inaudible.]

MR. MILLER: Are we going off the record?

MR. GORDON: No.

(Sotto voce discussion between Mr. Gordon and Mr. Del Mese.)

MR. MILLER: The record should reflect that counsel and Larry Del Mese are whispering in each other's ears while we're still on the record. That's why there's nothing going on.

BY MR. GORDON:

Q. Did you mention the name Larry Del Mese to Maya Lau prior to the time you saw that she linked your November 30 email to Larry Del Mese in her article?

A. His name may have come up. I don't recall.

Because she was asking me to talk to her, to give her information. She said people have told her that I'd talk to her; she should come to me; people were directing her to me. And I don't know if she mentioned it. I don't think I mentioned it.

I don't -- I don't recall the

conversation. The part that stands out to me is I wanted her to leave. I didn't want her at my home. I had a sick family member I was taking care of, and it caught me way off guard that she was at my door. 02:15

Q. Did you mention to Maya Lau when she was at your home that she should look for any emails between you and Eli Vera?

A. I don't think that even came up.

Q. But are you saying Del Mese did come up? 02:15

A. I don't have a recollection of Eli Vera's name coming up, and honestly, I don't recall if Larry's name came up. I know that she obviously was talking to people, because somebody gave her information. 02:15

And she was pressing me to communicate with her on the matter, and I kept telling her, "I have nothing to say to you." She may have mentioned names, but I don't specifically recall Eli Vera's name coming up. 02:16

Q. And you may have mentioned names of LASD personnel as well; right?

A. I'm saying there were probably names that were thrown around, but my recollection 02:16

isn't -- Eli Vera's name doesn't sound familiar in any way, shape or form.

And if it's helpful, I can tell you my aunt probably came home sometime mid to end of January, if that helps you. But I'd need a specific date.

MR. MILLER: You don't have to help him.

THE WITNESS: Yeah.

MR. MILLER: He's doing great on his own.

BY MR. GORDON:

Q. Between November 26, 2018, and your last physical day on duty, November 30, did you ever communicate with any member of the media about anything concerning the sheriff's department?

A. No.

Q. After November 30, 2018, to the present have you ever communicated with any member of the media about anything concerning the sheriff's department other than this one conversation that you said you had with Maya Lau when she appeared at your home?

A. No.

Q. Have you -- strike that. 02:17

Between November 26, 2018, and today have you provided or caused to be provided to any member of the media any document you obtained through your position as a chief at 02:17 LASD?

A. No.

Q. Or as a commander at LASD?

A. No.

Q. Between November 26, 2018, and the last 02:18 day you physically appeared at work on November 30, 2018, other than the one call you had with county counsel Pirjo, did you ever communicate with any member of county counsel's office about the Mandoyan matter? 02:18

A. I only spoke with Pirjo about this matter.

Q. And was it the one time on November 26 after speaking with Larry Del Mese that you already testified about or some other time? 02:18

A. I believe I spoke to her a second time, because that's when I learned that this matter was being discussed, it wasn't going to be resolved before Friday, and that contract counsel and the county counsel that deals with 02:19

litigation were engaged in the request. 02:19

Q. To consider the settlement agreement?

A. To consider the request.

Q. For a settlement?

A. Yes. 02:19

Q. Did you learn which other -- which contract counsel was involved in that task?

A. No.

Q. Did you learn which other county counsel attorney was involved in that task? 02:19

A. No.

Q. Other than the draft unsigned settlement agreement that is contained in AULT01 through AULT04 in Exhibit 1, did you ever provide any other document to county counsel's 02:19 office concerning the Mandoyan matter?

A. No.

Q. After November 30, 2018, have you had any communications with any attorney from the county counsel's office about any matter 02:20 regarding Mandoyan?

A. No.

Q. After November 30, 2018 -- strike that.

From November 26, 2018, to the present have you ever had any communications with anyone 02:20

from the Office of Inspector General concerning Mandoyan?

A. No.

Q. From November 26, 2018, to the present have you ever had any communications with any representative of the board of supervisors of the County of LA concerning Mandoyan?

A. Let me go back and correct my answer.

I don't recall who, but someone reached out to me and asked me if I would communicate with the Office of Inspector General on the Mandoyan matter and my role on it, and my answer was no.

Q. This is after you had retired?

A. Yes.

Q. And was that someone from the -- someone who identified himself or herself as being from OIG?

A. I don't recall who asked me, but I know that I was asked if I would speak to someone, and my answer was no. But I don't recall who -- who made the request.

Q. So to make sure that I've got everyone included, from November 26, 2018, to the present, is the only document you ever provided

concerning Mandoyan to either someone from the board of supervisor's office, someone from OIG's office or someone from county counsel's office the settlement agreement or the form of the settlement agreement in AULT1 through 401 through AULT04, Exhibit 1? 02:21 02:22

A. The only --

MR. MILLER: Wait, wait, wait, wait.

Could I have that question back.

Pardon me. Please. 02:22

(Record read as follows:

"Question: So to make sure that I've got everyone included, from November 26, 2018, to the present, is the only document you ever provided concerning Mandoyan to either someone from the board of supervisor's office, someone from OIG's office or someone from county counsel's office the settlement agreement or the form of the settlement agreement in AULT1 through AULT4, Exhibit 1?")

MR. MILLER: Well, it's a compound question. 02:22

MR. GORDON: I'll break it down for you. 02:22

Q. From November 26, 2018, to the present, is the only document concerning Mandoyan you've ever provided directly or indirectly to the board of supervisors -- strike that. 02:22

Let me rephrase it as the board of supervisors.

From November 26, 2018, to the present have you ever directly or caused to be provided any document concerning Mandoyan to anyone you thought was representing the county board of supervisors? 02:23

MR. MILLER: That excludes me, because that is my client. 02:23

THE WITNESS: I have not provided this document to anyone other than Pirjo Ranasinghe close to the 26th.

BY MR. GORDON:

Q. Right. And I'm not limiting to this document. I'm just trying to confirm that -- 02:23

A. Nothing.

Q. As to the board of supervisors, you never sent anything for the purpose of communicating it to the board of supervisors -- 02:23

A. I -- 02:23

Q. -- concerning Mandoyan?

A. I have given nothing to no one, period.

Q. Nothing to anyone; right?

A. Grammatically correct. Thank you. 02:23

Q. Other than the settlement agreement that you provided to Ms. --

A. Ranasinghe.

Q. -- Ranasinghe, correct, that concerns Mandoyan? 02:24

A. Correct.

Q. All right. So if I asked you about OIG, if I asked you about county counsel, if I asked you about board of supervisors, the only one document that concerns Mandoyan that you've 02:24 ever provided to anyone associated with those three departments or agencies is the settlement agreement at AULT1 through ALT4 in Exhibit 1; am I correct in understanding that?

A. Yes. 02:24

Q. And is the only person you understood to be employed by the county board of supervisors, OIG or county counsel's office concerning Mandoyan Ms. Ranasinghe?

MR. MILLER: I don't understand that 02:24

question. Objection. Vague. Ambiguous. 02:24

Could you rephrase it.

BY MR. GORDON:

Q. Am I correct in understanding that the only person you ever spoke with about the 02:25

Mandoyan matter who, to your understanding, was employed by the board of supervisors, OIG or county counsel is Ms. Ranasinghe?

MR. MILLER: Well, she's only employed by county counsel. 02:25

MR. GORDON: I know that.

Q. I'm just making sure that out of that universe of agencies the only person you understood who was employed by any of them was Ms. Ranasinghe. 02:25

A. I spoke to her about it, and as I testified, I spoke to Mr. La Berge about it.

Q. Well, no, but he was at the sheriff's department.

A. Correct. 02:25

Q. I'm not asking but him.

I'm just saying externally, looking outside of LASD, if I want to know whether you spoke to anyone about the Mandoyan matter at either board of supervisors, OIG or county 02:25

counsel, that you're telling me the only person you ever spoke with from any of those three departments or agencies was Ms. Ranasinghe? 02:25

A. Correct.

Q. From November 26 to the present have you ever communicated with anyone you understood to be employed by the county board of supervisors concerning Sheriff Villanueva? 02:26

MR. MILLER: And that excludes me.

THE WITNESS: I have not spoken to anyone about Sheriff Villanueva. 02:26

BY MR. GORDON:

Q. Yes, I'm excluding counsel in this case.

A. Excluding counsel. 02:26

Q. From November 26, 2018, to the present have you communicated with anyone at OIG concerning Sheriff Villanueva?

A. I have not.

Q. And from November 26 to the present have you ever communicated with anyone you understood to be employed by county counsel other than Ms. Ranasinghe about anything concerning Sheriff Villanueva? 02:26

A. I have not. 02:27

Q. Are you aware of anyone who was in a supervisory position at the sheriff's department while you were who left after Sheriff Villanueva won the election who -- strike that. 02:27

Has anyone from the sheriff's department ever sought to speak with you, other than in this deposition, about the Mandoyan matter since you physically left the office for the last time on November 30, 2018? 02:29

A. No. 02:29

Q. Has any other representative of any governmental agency or department sought to interview you about the Mandoyan matter since you left the sheriff's department for the last time physically on November 30, 2018? 02:30

A. Aside from that one request from OIG, no.

MR. GORDON: All right. Let's take a quick break so I can make sure I got nothing else. 02:30

THE VIDEOGRAPHER: Off the record, 2:31.

(Recess taken.)

THE VIDEOGRAPHER: Okay. Time is 2:38. We are back on the record. 02:37

EXAMINATION

BY MR. MILLER:

Q. Okay. Now I'm going to ask some questions to follow up and clarify on some of the questions you were asked about by John Gordon.

First of all, Ms. Ault, are you here pursuant to a subpoena? 02:37

A. Yes.

Q. Okay. And that subpoena came from whom?

A. From counsel for Sheriff Villanueva. 02:38

Q. Okay. So you're not here of your own free volition voluntarily?

A. I am not here voluntarily.

Q. Okay.

A. I'm under subpoena. 02:38

Q. Yeah, got that.

Under subpoena by the sheriff?

A. Correct.

Q. Okay. I just want to drill down and clarify some of the things that Mr. Gordon asked 02:38

you about.

You talked about how the phone call that you got from Larry Del Mese on November 26, 2018, was requesting -- I think you called it restoration of Mandoyan, or he called it that. I don't remember exactly.

You testified that that was unprecedented.

What did you mean by that?

A. I mean unprecedented to the extent that while cases are going through the process and by the time in this particular case it was at superior court, the sheriff's department's position is firm in seeing it through. So to interrupt that, to not follow the process is not consistent with my knowledge of how the sheriff's department operates.

Q. Now, you've been with -- you were with the sheriff's department for 36 years; correct?

A. Correct.

Q. Had you ever seen or experienced a request like that before, like the Mandoyan request before?

MR. GORDON: Objection. Vague and ambiguous.

THE WITNESS: I had not. 02:39

BY MR. MILLER:

Q. You talked about process; that this is was an unprecedented process. Can you explain what you meant by that. 02:39

A. So the process for employee discipline and employee's response to discipline is well defined. There are processes and procedures that both sides can use, and there's a very -- pretty much a respect for that process. 02:40

So in the Mandoyan case in particular, this case had not only gone through the internal sheriff's department processes, but it had gone to a civil service hearing officer, and there was an affirmation of that decision at -- by the 02:40 civil service panel.

And so in that process the employee had a right to proceed as they felt necessary. It is rare that at that level anybody in the sheriff's department would ever choose to undo 02:40 that and go in a different direction, because that is, in my words, a disrespect to the process.

Q. When you say "rare," you mean this was the first time you'd ever saw it? 02:41

A. This is the first time I've ever seen it.

Q. And when you say "was a disrespect to the process," can you explain what you meant by that.

A. When I say that, there are times in employment actions where sometimes the sheriff's department prevails and sometimes the sheriff's department does not prevail. And it's not a matter of exercising your right under the law or in the processes, but the -- what I would call or term "disrespect" comes in the short-circuiting of those processes --

Q. Short --

A. -- which is what -- which is what I felt happened here.

Q. Short-circuiting of the regular lawful practices that the sheriff follows in all other cases?

A. Correct.

Q. Okay. Now, you also testified -- when Mr. Gordon was asking you questions about the request from Larry Del Mese to restore or reinstate Mr. Mandoyan that came to your attention that he called you about on

November 26 of 2018, you also said you thought that was unethical.

Do you recall that testimony?

A. I do.

Q. Could you please explain what you meant, for the record, why you thought it was unethical.

A. So the request to short-circuit the system, to engage in the restoration of a person without additional facts or following the rules was -- was stunning to me.

I was also very taken aback by the insistence that this had to be done while McDonnell was in office and that -- this insistence that it had to be done by Friday in spite of my explaining to him that Sheriff Villanueva could do whatever he wanted to do on Monday. And I didn't understand the reason for that type of pressure, and it made me curious as to why this was so important, which is --

And then the big part that just became the part where it absolutely -- when I was making my evaluation of whether or not I was comfortable, it really crossed over brightly into unethical when Larry Del Mese asked to wipe

out the second discipline for this particular employee that had absolutely nothing to do with the matter that got him discharged. That smacked of trying to rewrite an employee's discipline history, which just falls far outside of ethical conduct. 02:43 02:43

Q. What was that second item of discipline that Mr. Mandoyan had sustained that Mr. Del Mese was trying to wipe out?

MR. GORDON: Objection. Misstates the evidence. 02:43

THE WITNESS: The second case, it's on page AULT01. It's Item No. 3. It's Investigation No. 2392810. And if you look at AULT005, AULT006, AULT007 and AULT008, it sort of offers a very synopsized understanding of what the case was about. And basically it had something to do with tactics at the end of a vehicle pursuit and a foot pursuit that I can sense. 02:44 02:44

BY MR. MILLER:

Q. Do you know how long ago the -- that second item of discipline on Mr. Mandoyan took place?

A. Well, I can read on page AULT008 that 02:44

the incident occurred on March 20 of 2015, and then the header in the black box shows that the summary was done by Central Patrol on May 17 of 2016. 02:44

Q. So you had a second incident that occurred around 2015; right? 02:44

A. Correct.

Q. And then you had the incident involving the female deputy that he was -- that Mr. Mandoyan was discharged for; correct? 02:45

A. Correct.

Q. And those are the two items that Larry Del Mese called you about and sent you the settlement agreement that we've marked as Exhibit 1, AULT1 through 4; correct? 02:45

A. Correct.

MR. GORDON: Objection. Leading.

BY MR. MILLER:

Q. And, to your knowledge, were those the only two items of discipline that had been imposed on Mr. Mandoyan? 02:45

A. To the best of my knowledge, yes.

Q. Okay. Now, you testified also that Larry Del Mese had called you, I think a couple years earlier in 2016, during the Mandoyan civil 02:45

service proceedings? 02:45

A. Correct.

Q. And asked you to look into the conduct or the performance of a Sergeant Roam?

A. Correct. 02:46

Q. Okay. And you did that, and you didn't find any wrongdoing by Sergeant Roam, did you?

MR. GORDON: Objection. Leading.

THE WITNESS: I didn't find any wrongdoing. 02:46

BY MR. MILLER:

Q. Do you know whether -- do you know why Larry Del Mese was calling you in 2016 about Mr. Mandoyan and then he called again to overturn these two discipline items in 02:46 November -- on November 26, 2018?

MR. GORDON: Objection. Calls for speculation.

THE WITNESS: In the call that I got from Larry Del Mese during the civil service 02:46 proceedings of Mandoyan, he explained to me that he knows Mr. Mandoyan from a time when they worked together at -- and my recollection is it was West Hollywood Station. That he knows his character and believes that he is a good person 02:47

and feels that he got a raw deal. 02:47

BY MR. MILLER:

Q. Larry Del Mese told you that in 2016?

A. That was the lead-in to, "And here's what's going on at civil service and why I'm 02:47 asking you to, you know, take a look at that."

Q. Now when you said they were together at West Hollywood Sheriff's Station, do you know how long ago that was?

A. No. 02:47

Q. Do you know if they had been friends for a long time?

A. I believe that there was some sort of relationship that prompted Larry Del Mese to call me, because they were not working together 02:47 at the time that Larry Del Mese made the call.

Q. So Larry Del Mese --

MR. GORDON: Hold on. Hold on.

Objection. Nonresponsive. Move to strike. 02:47

BY MR. MILLER:

Q. So Larry Del Mese first called you about Mr. Mandoyan in 2016 in an effort to vouch for him and help him in the ongoing civil service proceedings; correct? 02:48

MR. GORDON: Objection. Leading -- 02:48
THE WITNESS: He --
MR. GORDON: -- mischaracterizes the testimony --
THE WITNESS: Larry Del Mese -- 02:48
MR. GORDON: -- calls for an opinion.
BY MR. MILLER:
Q. You have to let him talk.
A. I'm sorry.
Q. He makes his objections for the record; 02:48
then you can answer.
A. I'm sorry. He paused. I thought he was done.
Q. No problem.
A. I'm good? 02:48
Q. Okay.
A. Okay. So when I got the call, it was -- the sense I got is that they had a personal friendship and that he was concerned about his case and was concerned that Sergeant 02:48
Roam was being too aggressive and forceful in her case presentation.
Q. This was the first call in 2016?
A. If that was the year the case was at civil service, then yes. 02:48

Q. I think that's right. 02:48
A. Correct.
Q. And then the second call you got was on November 26, 2018, to reinstate Mr. Mandoyan and overturn the older and the more recent 02:48
disciplinary actions --
A. Yeah.
Q. -- right?
A. Yes.
MR. GORDON: Objection. Leading. 02:49
BY MR. MILLER:
Q. Did -- in the second call on November 26, 2018, did Larry Del Mese vouch for his friend Caren Mandoyan again?
MR. GORDON: Objection. 02:49
Mischaracterizes the testimony.
THE WITNESS: He didn't -- in that conversation there was no communication about any relationship. It was just a request to reinstate this person. 02:49
BY MR. MILLER:
Q. Okay. Did you have the first call where he did vouch for his friend -- where Larry Del Mese did vouch for his friend from the old days at West Hollywood Station in mind when he 02:49

called you in -- on November 26? 02:49

MR. GORDON: Objection --

THE WITNESS: When --

MR. GORDON: Objection. Mischaracterizes the testimony. Calls for an opinion. Leading -- not leading. I'll withdraw the leading testimony. 02:49

THE WITNESS: When he called me, he initially didn't use the employee's name, and so I was taking notes. But when he mentioned the name, it refreshed my recollection that this was the situation that he had called me about in the past. 02:49

BY MR. MILLER:

Q. Okay. Was that another reason why you thought it was unethical for him to be calling you about his friend that he had vouched for a couple of years earlier? 02:50

When I say "he," I mean Larry Del Mese.

MR. GORDON: Objection. Leading. Mischaracterizes the testimony. Calls for an opinion. 02:50

THE WITNESS: When I realized that the person that he was calling me about was someone with whom I had an understanding of a personal 02:50

relationship -- that Larry had a personal relationship with, yes, that caused me great concern. 02:50

BY MR. MILLER:

Q. Okay. You also -- I think you said something about you felt the call on November 26, 2018, from Larry Del Mese to you about Caren Mandoyan was unethical, because you mentioned something about pay-to-play. 02:50

What was that about? 02:50

A. So that also came into it. Because as the conversation unfolded and I began to realize this is the same person, it prompted me to ask, Why would this be the sheriff's No. 1 priority? And so for my own sense of due diligence and looking into the matter, I wanted to know if, in fact, this person had played a significant role in the sheriff's campaign. 02:51

And so I looked at the campaign record just to see if there was any sense of the fact that he had been a part of that, and I learned that he was. And then I learned that there were two donations made by people with very similar names -- or with the exact same last name, which seemed disconcerting to me. 02:51 02:51

Q. A total of two $1,500 donations by people by the name of Mandoyan? 02:51

A. Correct.

Q. Do you know whether those people are related to Caren Mandoyan? 02:52

A. I don't know for a fact, but I do know that they live in an area -- based on the public record of donations to campaigns, they live in a geographic area similar to Mr. Mandoyan.

MR. MILLER: Okay. Well, let's make this Exhibit 3 to the deposition, Los Angeles County Registrar-Recorder/County Clerk that has contributions by Marine Mandoyan, same spelling, and Peter Mandoyan, same spelling, to Alex Villanueva, $1,500 each. 02:52

Sorry. Here you go.

(Whereupon, Exhibit 3 was marked for identification.)

BY MR. MILLER:

Q. Let me know when you're ready. 02:53

A. I'm ready.

Q. Okay. Are those the donations that you were just testifying about reflected on Exhibit 3?

A. Yes. 02:53

Q. Were you aware that Caren Mandoyan was very actively participating in support of the election of Alex Villanueva?

MR. GORDON: Objection.

THE WITNESS: I learned about his involvement subsequent to the phone call from Larry Del Mese on November 26.

BY MR. MILLER:

Q. Okay. Did you learn that Mr. Mandoyan was the driver for candidate Alex Villanueva, drove him all over town in support of his various electioneering activities to get votes?

MR. GORDON: Objection. Leading.

THE WITNESS: I did.

BY MR. MILLER:

Q. Okay. Was that something else you thought about being pay-to-play or unethical?

A. As time progressed away from the first phone call and more information became available to me, it absolutely cemented my strong belief that this was in fact unethical and that it absolutely was very close to pay-to-play.

And the fact that this was the sheriff's driver and someone -- a close confidant, coupled with the insistence that it

had to be done before Friday, revealed to me that this action was not -- not only unethical, but it was something that the Villanueva regime did not want to have under their name stamp. They wanted it to be done prior to them taking office, and that just makes no sense to me on any professional level. 02:54 02:54

Q. Okay. Were you also aware that Mr. Mandoyan was very active in support of obtaining union support among the ALADS deputies union and contributions for Sheriff Villanueva? 02:55

MR. GORDON: Objection. Vague and ambiguous --

BY MR. MILLER:

Q. I'm sorry. For candidate Villanueva, who later got elected sheriff. 02:55

MR. GORDON: Objection. Vague and ambiguous. Leading.

THE WITNESS: I was not.

BY MR. MILLER: 02:55

Q. You didn't know about that?

A. I did not.

Q. You just you knew about the driving and the relationship with Larry Del Mese -- prior relationship? 02:55

MR. GORDON: Objection. Leading. 02:55

THE WITNESS: I knew about the relationship with Larry Del Mese; the connection as it began to develop with the sheriff; the fact that they wanted to rewrite his employment 02:55 history; the fact that it was insistent that it had to be done before Friday.

And on a personal level, moreover, after I'd explained to Larry Del Mese that the person who would need to sign this document 02:56 would be someone in the patrol division where he left the department from and then my name appeared on the document, it absolutely smacked of unethical, inappropriate, unprecedented circumstances that I would not put my name to. 02:56

BY MR. MILLER:

Q. Okay. Now, I want to ask you a slightly different question.

Putting aside Sheriff Villanueva and Larry Del Mese and rewriting Caren Mandoyan's 02:56 employment history, his disciplinary history, you've been employed at the sheriff's department throughout a number of different sheriff's: McDonnell, Baca, Scott, Block.

Am I missing any? 02:56

A. Block. Baca. Scott. McDonnell. 02:56
Correct.
Q. Okay. You've been there for all of those sheriffs?
A. Yes. 02:57
Q. Okay. Have any of those sheriffs, to your knowledge, ever come to your attention, try to just totally rewrite the employment history, the disciplinary history of a deputy sheriff or sheriff employee? 02:57
Did you ever see that before?
A. I've never --
MR. GORDON: Objection. Compound.
THE WITNESS: I've never seen that before. 02:57
BY MR. MILLER:
Q. Let's break it down.
Did you ever see Sheriff Block try to rewrite the employment history, the disciplinary history of any sheriff's -- any sheriff's 02:57
employee?
A. No.
Q. What about Sheriff Baca?
A. No.
Q. Sheriff Scott? 02:57

A. No. 02:57

Q. Sheriff McDonnell?

A. No.

Q. First time and only time, Alex Villanueva; correct? 02:57

A. Correct.

Q. Okay. Let's go to September -- pardon me.

Let's go to November 26, 2018. We've talked about that a lot. Mr. Gordon asked you a 02:58 lot of questions about that and so forth. I want to understand the message that was conveyed to you and the way you took it by Larry Del Mese.

You got a phone call; right? 02:58

A. Yes.

Q. Okay. Did the two of you office in the same building?

A. No.

Q. Where were you and where was he? 02:58

A. He was somewhere in the Hall of Justice, which is in downtown Los Angeles, and my office is in the City of Commerce.

Q. Okay. About what time of the day was it, roughly, that he called you? 02:58

A. It was afternoon. 02:58

Q. Okay. And he called you and he opened the conversation by saying, I want you to do this. I want you to overturn or reinstate -- basically, to eliminate the employment -- the 02:58 disciplinary employment history of Caren Mandoyan; correct?

A. I would say that the conversation opened with what I considered to be the veiled threat of "I'm looking at a picture of you on an 02:59 org chart."

And, you know, that made me uncomfortable, because I didn't know, Are you saying you're looking at me on an old org chart, or are you looking at a new org chart and I'm 02:59 not on it? And I didn't understand what that was.

So the conversation opened with this odd salvo that, in light of Sheriff Villanueva's robust statements about how he was going to 02:59 clean house and get rid of all the executives and his disdain for the disciplinary process, made me incredibly anxious, and I felt like it was a threat.

Q. Did you feel it was a threat that made 02:59

you insecure about your job position? 03:00

A. It made me insecure about whether or not I would play a role in Villanueva's time as sheriff, and it made me feel as though I either did this, or my picture may not jump from one 03:00 org chart to another.

Q. Okay. Were you an at-will employee; in other words, were you employed at the will of the sheriff at that time?

A. I'm employed at the will of the seated 03:00 sheriff.

Q. So when Sheriff -- when Alex Villanueva took office, he had full power and discretion to terminate your employment at any time?

A. The county code says I can be 03:00 terminated -- my employment can be terminated at any time for any reason, without cause, without justification. So, yes, I was in great peril.

Q. Can you think of any other reason why Larry Del Mese -- any other reason besides to 03:00 coerce you or threaten your job status why Larry Del Mese would call you and say he's looking at a org chart with your picture on it?

MR. GORDON: Objection. Relevance. And calls for speculation. 03:01

THE WITNESS: The statement -- the opening statement was odd to me, and it became crystal-clear to me that it was a veiled threat when someone that I considered friendly and a friend wouldn't even so much as intimate that "Hey, Alicia, you're good. Don't worry about it." That statement and his refusal to clarify it at any point in the conversation absolutely told me that it was sort of a "I need you to do this in light of, you know, maybe your potential continued employment." 03:01 03:01 03:01

BY MR. MILLER:

Q. Did you say to him -- in this phone conversation did you say to Larry Del Mese "What are you talking about Larry? I don't understand this"? 03:01

A. So in the conversation I said to him, "Hey, we can't do this. Like, this is -- we've never done this. This can't be done." He kept telling me it could be, and I kept saying, "We've never done this. Like, are you sure?" 03:02

You know, and when he brought up the second case, that's when I'm like, "Absolutely we've never done this. Absolutely this isn't consistent. Like, we can't do that." 03:02

And his assurance was, "Well, it can be done, and I need you to get it done. I need you to get it done before Friday." 03:02

Q. Now, when you're having this conversation with Larry Del Mese on November 26, 2018, did he convey the impression to you that the decision had already been made, or was he asking you to evaluate the situation and make a recommendation on what the decision should be? 03:02

MR. GORDON: Objection. Compound. 03:02

BY MR. MILLER:

Q. In other words, what was the message you were getting?

MR. GORDON: Objection. Calls for speculation. Calls for an opinion. 03:02

THE WITNESS: The message was not a "Research this and get back to me." It was a direction: "I need you to do this. I need you to get it done by Friday."

And if I had any doubt about whether or not it was a foregone conclusion that this was going to happen, the moment I received the settlement agreement that was already pre-written made it very clear to me that this was a path that was -- there was no going back. 03:03 03:03

It was going to happen. 03:03

BY MR. MILLER:

Q. It was the a fait accompli?

MR. GORDON: Objection. Leading.

BY MR. MILLER: 03:03

Q. As far as the message you were getting from Larry Del Mese the week of November 26, it was a fait accompli that the decision had been made, and you should just carry it out and get it done; is that correct? 03:03

MR. GORDON: Objection. Leading.

THE WITNESS: That was what I took from the conversation: that the decision had been made, the employee was coming back, and it was my duty or my responsibility to make sure it got 03:03 done by Friday no matter what I needed to do.

BY MR. MILLER:

Q. Do you think Larry Del Mese called you with this statement about the org chart and this direction to get the job done because the two of 03:04 you had been on a friendly basis and he thought he could persuade you to sign off?

MR. GORDON: Objection --

BY MR. MILLER:

Q. In other words, why do you think he 03:04

called you? 03:04

MR. GORDON: Objection. Calls for speculation.

THE WITNESS: I believe that I received the phone call because of the role that I played 03:04 in the department over discipline. I believe that I got the call from Larry as well because we have -- we had, I would say, a positive rapport built on mutual respect. And I felt like -- knowing him in a very positive manner, I 03:04 felt like he -- he knew I would understand what he was asking.

BY MR. MILLER:

Q. In other words, based on your relationship and the message from Mr. Del Mese, 03:04 your impression was that he thought you would play ball with him and Alex Villanueva; correct?

MR. GORDON: Objection. Leading.

THE WITNESS: I felt that he felt, based on our prior relationship and the role I 03:05 played, I could accomplish what he and the sheriff wanted accomplished --

BY MR. MILLER:

Q. But --

A. -- with Mr. Mandoyan. 03:05

Q. But you didn't, did you? 03:05
A. No, I did not.
Q. Look at the last page. This is a page that Mr. Gordon didn't ask you about, the last page of AULT4. It's the settlement agreement 03:05
that is the first four pages of Exhibit 1 that counsel marked.
Your name is at the bottom as a signatory for the department.
Do you see that? 03:05
A. Yes.
Q. Had you authorized Larry Del Mese or anybody else to put your name on this document on page AULT4?
A. No. 03:05
Q. Do you know how your name came to be on this document?
A. I have no idea how my name came to be on this document, because I was very clear with Larry Del Mese that I would not be the 03:06
decision-maker; that there was somebody else.
And so when I got this document, that was pretty much the moment that I decided that I was going to retire, because my position was not clearly understood and I felt like my good name 03:06

and my good reputation was going to be used to do something that was unethical, and I wouldn't have that. 03:06

Q. Your name has got some lines through it in green. 03:06

Is that your -- are those your lines -- is that your line?

A. Those are my lines.

Q. So you kind of scratched out your name; right? 03:06

A. I was very upset about that. So, yes, that was me making my mark on that document that I will have nothing to do with that.

Q. I don't want to go back over what Mr. Gordon asked you, but he asked you about 03:07 Case 1 -- on the first page Case 1 and Case 2.

Just to clarify, what is Case 1 and what is Case 2? And I'm referencing the green handwritten portion on the left-hand side on the second -- on the bottom of the page. 03:07

Is that your handwriting?

A. Anything in green is my handwriting.

Q. Okay. What's that about?

A. So, as I mentioned, I had gone through this settlement agreement to read what the ask 03:07

was and to really take a moment aside from my instinct that this was really unethical and inappropriate -- was to really do my due diligence and say -- to see what facts or what was really being asked of the department. 03:07

So I went through and I made the notations. So Item No. 1 is related to case 2383392, which is generally referred to as the domestic violence case.

Q. Okay. 03:08

A. So that first ask was to rescind the department's discharge action.

Then Item No. 2 still relates to Case 1, and it says, "All parties agree and understand that Mandoyan's" -- and I crossed out the wrong name of the system and wrote the acronym -- "will state 'Unfounded.'" 03:08

So I was crystal-clear they were not only wanting to rescind the discipline, but they had determined that the case was unfounded, which means there was absolutely nothing there, no evidence whatsoever to sustain any charge at all. 03:08

And then Item No. 3 refers to a separate case number, which is No. 2392810, 03:08

which I then looked at and determined that that was a case from the past that involved Deputy Mandoyan and a use-of-force circumstance, and they wanted that case to just be made unfounded. 03:08

Q. So as far as you were concerned, the directive you were getting from Larry Del Mese and through Larry Del Mese from Alex Villanueva was to wipe the disciplinary slate clean for Caren Mandoyan; correct? 03:09

MR. GORDON: Objection. Leading. 03:09

THE WITNESS: Yes.

BY MR. MILLER:

Q. So both of these disciplinary items would be changed from sustained or founded to unfounded; correct? 03:09

A. Correct.

MR. GORDON: Objection. Leading.

BY MR. MILLER:

Q. And the discharge would be rescinded, and he would be reinstated; correct? 03:09

MR. GORDON: Objection. Leading.

THE WITNESS: Correct. That's what it states on the document.

MR. MILLER: Last time I checked, Counselor, I get to ask leading questions on 03:10

cross-examination. You don't; you were on direct. 03:10

But you make all your objections. No problem.

Q. Now, in your position as -- I think you were chief of professional -- what were you chief of at this time, November 26, 2018? 03:10

A. Chief of the Professional Standards and Training Division.

Q. Okay. And what was under you that you supervised as -- in that capacity as chief of Professional Standards and Training? 03:10

A. So I was responsible for the Training Bureau, Internal Criminal Investigations Bureau, Internal Affairs Bureau, our Risk Management Bureau and our Advocacy Bureau. 03:10

Q. And how long had you been the chief of --

A. I --

Q. -- of those -- of that position? 03:11

A. I had been chief since March of 2018.

Q. And before that you were commander?

A. Correct.

Q. And before that you were captain?

A. Correct. 03:11

Q. Before that you were lieutenant? 03:11

A. Yes.

Q. And before that you were a sergeant?

A. Yes.

Q. And before that you were a deputy? 03:11

A. Yes.

Q. You go back even further.

Before you were a deputy, you were with the sheriff's department, weren't you?

A. I was a civilian member, and before 03:11 that I was an Explorer Scout. So yes.

Q. When did you start with the sheriff's department? At what age?

A. 18.

Q. And when did you start as an Explorer 03:11 Scout?

A. 15.

Q. So in one -- either as an Explorer Scout or as a deputy, that's been your whole life? The sheriff's department has been your 03:11 entire career?

A. It has.

Q. How many years?

A. 36 plus.

Q. So this decision to retire that you 03:12

made the week of November 26, was this an easy decision or was it a difficult decision? 03:12

A. It was both. It was easy because I have a well-defined set of principles. I know where I stand on issues. I was part of the department when we went through the federal investigations where people went to federal prison. I know what unethical looks like. I've seen it many times. And so for that sake, it was easy to make the decision. I wouldn't have a part of it. 03:12

But it was hard to walk away. 03:12

Q. I'm sorry. I don't mean to upset you.

Why was it hard to walk away?

A. This is an organization that I've been a part of since I was 15. I grew up in it; I love it; I devoted my life to it. And so to walk away pretty much like a thief in the night, running out the door, packing up everything, trying to resolve all the loose ends was not the way I saw myself leaving. 03:12 03:13

Q. In all your time -- you want to take a minute?

A. Can I just breathe a moment?

Q. Let's just breathe a moment. Take a 03:13

deep breathe. I apologize. I don't mean to upset you. 03:13

A. [Inaudible.]

Q. I think it's important to bring out the context -- 03:13

A. Okay.

Q. -- in which your decision was made.

In all of your time -- deputy, sergeant, lieutenant, captain, commander, chief -- have you ever encountered a situation where the higher-ups, the sheriff or his chief of staff Larry Del Mese, had sought to wipe the slate clean, exonerate a sheriff's employee of prior disciplinary charges? 03:13

A. I have never seen anyone want to make these sweeping disciplinary changes without substantial facts. I've not seen that. 03:13

Q. And when it was presented to you on November 26, 2018, did Larry Del Mese relate any substantial facts to you? 03:14

A. It was a want.

Q. In other words, it was, "Get it done"?

A. It was a "Get it done." It was not, "How do we go through the process to make this occur?" It was, "This is what I want for the 03:14

sheriff" -- actually, let me be clear: Larry said, "This is the sheriff's No. 1 priority. This is the No. 1 thing the sheriff wants to get done." 03:14

And there was no -- no request to "What's the process? How can we get this done?" It was, "This is the sheriff's No. 1 ask, and you need to get it done by Friday." 03:14

Q. And when Larry Del Mese said, "This is the sheriff's No. 1 priority," what sheriff was he referring to? 03:14

MR. GORDON: Objection. Calls for speculation. Calls for [inaudible].

BY MR. MILLER:

Q. Do you know what sheriff -- 03:15

(The reporter requested clarification.)

MR. MILLER: Sorry.

MR. GORDON: Calls for an opinion.

BY MR. MILLER:

Q. When Larry Del Mese said this was the sheriff's No. 1 priority, do you know from that conversation which sheriff he was -- Larry Del Mese was referring to? 03:15

A. I --

MR. GORDON: Objection. Calls for 03:15

speculation. Calls for opinion. 03:15

THE WITNESS: I'm crystal-clear that it was Sheriff Villanueva, because he said, "This is Sheriff Villanueva's No. 1 request."

BY MR. MILLER: 03:15

Q. And, by the way, was Larry Del Mese part of the Sheriff -- or the Alex Villanueva team by that time?

A. I had heard just throughout the campaign that he was actively engaged in 03:15 supporting Sheriff Villanueva, but I didn't know that for a fact until I got that call that morning -- or that afternoon.

MR. GORDON: Objection. Move to strike as nonresponsive. Hearsay. 03:15

BY MR. MILLER:

Q. In the call on November 26, 2018, did Larry Del Mese point-blank say, "I'm calling because this is Sheriff Villanueva's No. 1 priority"? 03:16

In other words, did he name Villanueva?

A. Yes, he absolutely said that "This is Sheriff Villanueva's No. 1 priority."

Q. Okay. All right. I'm looking at AULT2. I see some more green writing at the top 03:16

of AULT2. 03:16

Is that yours?

A. Yes.

Q. Now, there's one thing that Mr. Gordon didn't ask you about. It says -- you circled 03:16 "Bonus I deputy sheriff."

Do you see that?

A. Yes.

Q. And then you wrote "Never" -- is that "Never"? 03:16

A. It's "Never a B-I."

Q. What does that mean?

A. So as I was doing my due diligence to take a look at the information in here because I was already concerned that they were asking for 03:16 things that were not appropriate, I wanted to understand factually what the employee status was. So I pulled up his assignment card, and from my reading of the assignment card coupled with his employment -- his employee information 03:17 printout, he did not leave the organization in the status of a Bonus I.

Q. So they were trying to give him something -- reinstate him with something that he didn't even have before? 03:17

MR. GORDON: Objection. Leading. 03:17
Calls for an opinion --
BY MR. MILLER:
Q. Is that correct?
MR. GORDON: -- speculation. 03:17
THE WITNESS: That's how I read the document, yes.
BY MR. MILLER:
Q. Okay. Then Mr. Gordon did ask you about the medical benefits and LACERA. 03:17
And you wrote, "Cannot do this."
Do you see that?
A. Yes.
Q. And just tell us again: Why did you write, "Cannot do this"? 03:17
A. Because it's vague in the sense of what does it mean to be made whole with medical benefits. Does that involve, you know, having broken his foot while he was separated from the department? Would they want money for that? 03:17
And then LACERA is its own entity, and we can't tell LACERA what to do or how to do it.
So I don't even know if he left the department in Plan B. That wasn't event something I took the time to research, because 03:18

not only can we not put that in the settlement agreement; we have no authority over LACERA to compel them to do anything. 03:18

Q. Okay. And then you did testify to Mr. Gordon at some length about the double-dip for the sick, vacation, holiday, and so forth. I'm not going to ask you about that again. 03:18

Is it fair to say that they were trying -- that Mr. Del Mese and Mr. Villanueva were trying to give Caren Mandoyan, at least as far as you could tell on November 26, 2018, a bonus he was not entitled to, medical benefits and LACERA benefits that you couldn't do, and that they were trying to double-dip and double-pay him for vacation, holiday and sick leave? 03:18

MR. GORDON: Objection. Mischaracterizes the testimony. Calls for speculation. Calls for opinion.

THE WITNESS: In my reading of the document and comparing it to the assignment cards and what I understand about our pay systems and our payout systems, that is what it appeared they were trying to do. 03:19

BY MR. MILLER: 03:19

Q. Okay. Let's go through the rest of Exhibit 1.

You testified earlier that you did some research to -- so you could better understand 03:19 the double-dip, the bonus that he wasn't entitled to, and so forth, and you wanted to better understand what was going on with respect to the second incident they were trying to cleanse him of. 03:19

Let's look at AULT5 and 6.

MR. GORDON: Objection. Mischaracterizes the testimony and evidence.

BY MR. MILLER:

Q. Could you please tell us what AULT5, 03:19 6 and 7 are?

A. So AULT5, AULT6, AULT7, and I will include AULT8, are all part of the grievance packet related to the second disciplinary action, which is investigation 2392810. 03:20

Q. I should have included AULT8; you're right.

So why did you pull this up, and why did you take a look at this?

A. Because I wanted to take a look at what 03:20

the actual case was about, and I wanted to try to quickly understand, Did he exercise his rights to due process to grieve the matter? What was the outcome of the grievance? And was this matter properly recorded in our performance metrics -- in our performance records management system? 03:20 03:20

And so I learned that that case that was on page 1, Item No. 3 labeled in green, Case No. 2, was this case. So as I looked at the information, it appeared that not only had the discipline been imposed, but Deputy Mandoyan -- or then Deputy Mandoyan had exercised his rights to due process, had had his grievance hearing, and that process was closed and completed, and it absolutely was not pending. 03:21 03:21

Q. Was Mr. Mandoyan's grievance denied?

A. If you go to page 8, AULT008, it says the chief's decision was to sustain -- uphold the five-day suspension. And that is also repeated in AULT5, where the last paragraph says, "After due consideration, the sheriff's department's has denied your grievance." 03:21

Q. And this discipline for which the grievance was denied was the discipline that 03:21

Larry Del Mese -- I guess at the behest of Alex Villanueva -- called you about on November 26 and asked you to overturn or cleanse or reverse; correct? 03:22

MR. GORDON: Objection. Mischaracterizes the document and the testimony. Calls for speculation. Calls for opinion. 03:22

THE WITNESS: AULT5 through 8 definitely refers to the second case of discipline that then Deputy Mandoyan had, and it also is the case that Larry Del Mese as well as the settlement agreement is showing or demanding that will be changed from founded to unfounded. 03:22

BY MR. MILLER:

Q. Do you have any idea why Larry Del Mese and Alex Villanueva were trying to change a disciplinary action that had been grieved; the grievance had been denied? 03:22

Do you have any knowledge of why they were doing that? 03:22

MR. GORDON: Objection. Compound. Leading. Calls for speculation. Calls for opinion.

BY MR. MILLER:

Q. Other than the obvious, trying to help 03:22

their buddy, do you have any knowledge of why they were doing that? 03:22

MR. GORDON: Same objections.

THE WITNESS: I can say that I have no idea why. And it is not consistent with our professional conduct within the department, so I don't -- I couldn't imagine why they would do it. 03:23

BY MR. MILLER:

Q. Did it bother you they were doing it? 03:23

A. It absolutely bothers me that they did it -- or that they wanted to do it.

Q. Okay. Let's go on in this package of Exhibit 1. Then there's another document that is kind of a chart called AULT9 through 11 -- 9 through 12. 03:23

A. So --

Q. What is this?

A. AULT9 through 12 is the sheriff's department assignment cards, and basically these assignment cards loosely follow you through the organization. It's really more of a pay location, but it sort of hallmarks the significant movement of you as a person in the organization. 03:23

Q. And this is for Caren Mandoyan? 03:24

A. Yes.

Q. And why were you studying this? Or why did you pull this up and take a look at it?

A. Because I wanted to see if he had left 03:24 the organization as a Bonus I. And so this document would reasonably let me know whether that had or had not been the case.

Q. And they were -- Del Mese was -- and Villanueva were trying to give him a Bonus I; 03:24 right?

MR. GORDON: Objection. Mischaracterizes testimony --

BY MR. MILLER:

Q. Bonus -- excuse me -- a Bonus I 03:24 benefit; correct?

MR. GORDON: Objection. Mischaracterizes the document and the testimony. Leading.

THE WITNESS: Based on what was 03:24 requested and based on the settlement agreement, they were trying to restore him to a Bonus I position, and my research, according to his timecard, revealed that he'd never held that position at the time he left the department. 03:24

BY MR. MILLER: 03:24

Q. Can you think of why they would want to restore him to a Bonus I position that he never held in the first place?

MR. GORDON: Objection. Assumes facts. 03:25
Calls for speculation. Calls for an opinion.

THE WITNESS: The only reason I could imagine that that would be done is to provide somebody with a pay increase and to go to the front of the line from the bonus selection 03:25
process.

BY MR. MILLER:

Q. Do you know if that was a quid pro quo for being -- for Mandoyan being the driver for Villanueva during the election campaign and for 03:25
supporting him in the election?

MR. GORDON: Objection. Calls for speculation. Calls for an opinion.

BY MR. MILLER:

Q. If you know. 03:25

A. I don't know.

Q. Okay. That's fair. If you don't know, you don't know.

Next document, AULT13. This looks like a -- I don't know what this is. It's blue. 03:25

Can you tell us what it is? 03:25

It looks like a blue, personal, job assignment, address information.

A. So AULT13 is a Employee Information System printout of his -- of his last job title and assignment when he left the department. So I printed this out to take a look and see what did the employment system show as his job title on the day that he left the organization. And so this was another method of verifying whether or not he had been a Bonus I. 03:25 03:26

So this shows me right here he was on a deputy sheriff item, and you can see that up at top where it says -- under "Job Assignment" it says "Item Number," and it says "2708." Subsection A means he's a permanent employee, Step 06 means he was at Step 6, and his job title was deputy sheriff. And then it shows his out-of-service date of 9/15 -- if I'm reading that correctly -- of 2016. 03:26 03:26

Q. Does this AULT13 document, part of Exhibit 1, give any indication that Mr. Mandoyan was entitled to a Bonus I benefit as set forth in AULT1 through 4, the settlement agreement?

A. In my reading of this document, I 03:27

wouldn't believe that this employee left the department as a Bonus I and would not be entitled to be restored to a Bonus I. 03:27

Q. Okay. Let's look at AULT14 through AULT42. 03:27

This is the Civil Service Commission decision; right?

A. Yes.

Q. It says on the front page, first page, "For the appellant, Michael Goldfeder." 03:27

So that gentleman was the lawyer or the advocate for petitioner, Mr. Mandoyan; right?

A. Yes.

Q. And then it says "For the respondent, the sheriff's department, Christine Roam." 03:27

That's Sergeant Roam?

A. Yes.

Q. And did you read this document, the Civil Service Commission decision, 14 through 42? 03:27

A. I did.

MR. GORDON: Objection. Vague and ambiguous.

BY MR. MILLER:

Q. Could you tell us, please, why you read 03:27

it. 03:27

Did you read it from cover to cover, by the way?

A. I did.

Q. Could you tell us why. 03:28

A. So after I got the call from Larry Del Mese, my instinct was that the request was unethical, and it was -- I was very, very uncomfortable with it. But because I worked with Larry and I respected Larry, I wanted to 03:28 take some time to read the outcome of the civil service hearing to see if maybe there was something that could tamp down my concerns; to see if maybe there was some significant weaknesses in the county's case against him; and 03:28 to sense if the civil service hearing officer was sort of on the edge; if this was a close call for this person.

And so I pulled this up just to make sure I did all my due diligence and that my 03:28 feelings were founded. So I read this, and at the end of my reading I was very bothered by the behavior, I was bothered by the strength of the case, and it just -- it absolutely cemented for me -- again, it just kept affirming for me what 03:29

was being asked was unethical and inappropriate and unprofessional. 03:29

Q. Now, this is the domestic abuse case.

This is the second case; right?

A. Yes. 03:29

Q. This is not the first case, the one from, I think, 2015?

A. So this case, AULT14 through 42, is in reference on AULT page 1, Items No. 1 and 2, and it's referring to Investigation 2383392. 03:29

Q. Got it. Got it.

What in particular bothered you about what Mr. Mandoyan was found to have done, you know, by virtue of this Civil Service Commission decision? 03:30

A. So when you read these decisions, you're looking for both sides of the situation: reading what happened; reading how it happened; under what circumstances; and reading the points of argumentation and the strengths and weaknesses across the board; and then reading how the hearing officer evaluated the case that was presented and where he felt there was credibility or lacking in credibility. 03:30

And so when I read this, it felt very 03:30

much like he was a stalker. And his behavior was outrageous, and the actions were just beyond just the typical verbal type of an argument. And so in reading the case and coming to the conclusion, you know, the hearing officer was pretty confident and was not a close call in my assessment of the case. 03:30 03:30

Q. And did this raise your concerns and your worries about what was going on with the request from Alex Villanueva relayed through Larry Del Mese? 03:31

A. It absolutely did. Because by the time this case got here, there were many layers of approval for it. So his unit commander agreed with the discharge. His division commander agreed with it. The division chief agreed with it. The case review panel agreed with it. He had an opportunity to address it at his Skelly hearing, and the chief was not persuaded. 03:31 03:31

It was presented to a civil service hearing officer, who sustained the discharge, and then it went to a panel of the entire civil service panel, and they also sustained all of those processes plus their own hearing officer. 03:31

So I felt by that point in time, yeah, 03:31

so many people had seen it, and nobody had had any other outcome other than to uphold the discharge. 03:32

Q. So from your testimony it sounds like there were seven or eight levels of review of the Mandoyan domestic abuse case, the -- 03:32

A. Yes.

Q. Let's be precise. The -- where's the case number?

A. You have to go back. This is the case number of civil service of 16276, but it's Investigation No. 2383392. 03:32

Q. Got it. Okay.

And at every level of review the discharge was upheld? 03:32

A. Yes.

Q. And then the call came in on November 26, 2018, for you to overturn it?

A. Yes.

Q. By the way, when did you decide to retire? 03:32

A. When I got the document that had my name on the bottom of it. I read that, and that just did not sit well with me. And I knew right then that I felt like I was going to be treated 03:33

like the fall guy, and I was not going to allow my good name to go out like that. So... 03:33

Q. When you say the document that had your name on it, you mean the settlement agreement, AULT1 through 4? 03:33

A. Yes.

Q. Okay. Mr. Gordon asked you about AULT43, the email.

A. Yes.

Q. He asked you a lot of questions about it, and I don't really need to repeat it. I just have a couple. 03:33

Did you give AULT43 to the LA Times reporter?

A. Absolutely not. 03:33

Q. That's Maya Lau, the one you refused to talk to?

A. Yes.

MR. GORDON: Objection. Mischaracterizes the testimony. 03:33

BY MR. MILLER:

Q. Okay. I don't have any more questions about that.

Moving right along, AULT44, more green handwriting, which is yours; right? 03:33

A. Yes. 03:34

Q. And did you prepare this document during the week of November 26, 2018?

A. Yes.

Q. Why? 03:34

A. So this is a 3-by-5 card that I kept on my desk for quick reference. That week was a blur, and so at times I would be somewhere, and having a 3-by-5 card with the information on it was much easier than to try to carry a notebook 03:34 somewhere. So it was sort of a recap of what is on AULT45.

Q. Let's talk about AULT45, and we'll go back to AULT44 if necessary.

AULT45, did that come from a journal 03:34 that you kept in the ordinary course?

A. Yes.

Q. Tell us about your journal: why you kept it; what your practice was.

A. So I had a practice of having a notepad 03:34 with me so if I got calls I could write stuff down. If there were meetings I was at and I was note-taking, I would use that. It was just sort of a way for me to make -- to refresh my recollection about meetings I'd been in or 03:35

things I needed to follow up on and a way to sort of just make quick notations about either what was said to me, what I heard or what I was needing to do. 03:35

Q. Okay. At the top of 45 -- AULT45 it says a date, 11/26/18. 03:35

Do you see that?

A. Yes.

Q. That's the date you got the call from Larry Del Mese; right? 03:35

A. Yes.

Q. And then under the date is the name "Del Mese"?

A. Yes.

Q. That's Larry; right? 03:35

A. Yes.

Q. And it says -- and I know Mr. Gordon asked you about this: "I'm looking at a photo of me and the org chart."

Were those his words? 03:36

A. Yes.

Q. And then what's under it, "Newer photo"?

A. Yes.

Q. And that was the implied threat you've 03:36

already testified about? 03:36

MR. GORDON: Objection. Leading.

THE WITNESS: Yes.

BY MR. MILLER:

Q. Yeah, I don't want to -- we don't have to go over that again. 03:36

How did you feel when you got this threat -- this implied threat?

MR. GORDON: Objection.

THE WITNESS: I was kind of confused because I wasn't sure what to make of it. I've never received a call like that before, and so I was expecting him to ask for things that would happen in the course of my professional work, like documents or reports or charts. 03:36

And so I started writing, and he went down that road, and I was like, What? And then -- so I'm like, Oh, okay. So maybe he's going to give me some insight into my future in the organization. And then, you know, he refused. And when he refused to tell me, that caused me great anxiety because I felt like he didn't want me to know that I wasn't going to be part of the team. 03:37

And so I was -- then I felt like, 03:37

Okay -- when he went on to talk about what he wanted me to do, I'm like, Okay. So this is -- this is the threat. This is the ask. You know, you're going to do this, and maybe if you do this, we'll bring you along in the Villanueva regime. And that's exactly how I took it: as a threat. 03:37 03:37

Q. Had Larry Del Mese ever threatened you before in your entire relationship?

A. No. 03:37

Q. And you also testified in response to the direct examination by the opposing counsel that you felt it was a test.

Remember that testimony?

A. I did. 03:37

Q. What do you mean by "test" -- "a test"?

A. I felt it was a test to learn if I was going to be loyal to the wants of Sheriff Villanueva and if I was going to comply with what was going to be requested of me in the future. 03:37

Q. And if not?

A. And if not, I'm an at-will employee that needs no notice about when they can terminate my -- my employment at my rank. 03:38

Q. And then under your photo it has "1" with a one-sided parens, "Return to work, Mandoyan, Caren." 03:38

And what does "S/A" mean again?

A. "Settlement agreement." 03:38

Q. Okay. And that was the settlement agreement, AULT1 through 4, that's in Exhibit 1 that we've been talking about throughout the deposition that Mr. Del Mese emailed you?

A. Yes. 03:38

Q. Okay. Then it says "To chief of division."

A. So that was me telling Larry that the request needs to go through the division chief of where the employee was assigned at the time in this case the discharge took place. 03:38

Q. Okay. But you were not the division chief; right?

A. Correct.

Q. And tell me again: Why was Larry Del Mese picking on you to get this done? 03:39

MR. GORDON: Objection. Calls for speculation. Calls for opinion.

BY MR. MILLER:

Q. Based on your relationship and your 03:39

communication with him, not speculation, why was Larry Del Mese and Alex Villanueva looking to Alicia Ault to get this done for Caren Mandoyan; to bring him back and cleanse his disciplinary record? 03:39

MR. GORDON: Objection. Calls for speculation. Calls for opinion. Mischaracterizes the testimony and the evidence.

THE WITNESS: I felt like I got the call for a few reasons. So, No. 1, because I was the division chief over the disciplinary system. 03:39

No. 2, because I felt like I was being put to the test. I felt like they wanted to know if I would comply with whatever requests they may have now and in the future. And I felt like it was tied to my vitality and my future employment to see if I would be willing to work in the manner in which they wanted to get things done. 03:40

BY MR. MILLER:

Q. Who's the right -- who would have been the right division chief to send this to?

A. It should have gone to the chief of Central Patrol where West Hollywood is currently 03:40

assigned. 03:40

Q. And why is that? Why would he be the right -- or that person be the right chief?

A. Because the way the department does discipline, it is the responsibility of the 03:40 division where the employee is assigned to assess the case, to determine the level of discipline, and to see it through the entire process. So to ask me to do it is outside of the standards that have been established going 03:40 all the way back to Block and probably before.

It felt like -- again, in spite of telling him where it needed to go, it was like, No, we want you talk to do it." And I felt like they wanted to use my good name and reputation 03:41 in the discipline arena to stand on my name to bring this person back.

Q. And then below where you wrote, "To chief of the division" -- by the way, what was the name of the chief of Central? 03:41

A. At the time it was Chief Joe Gooden.

Q. Joe Gooden. That's right.

Okay. And then below it says, "No to" -- what does that say?

A. So he wanted me to contact the 03:41

undersheriff, so I think I was, you know, writing quickly. So it was something about calling the undersheriff. 03:41

Q. And that's La Berge?

A. La Berge. 03:41

Q. What's his first name?

A. Jacques.

Q. Jacques La Berge?

I think you testified in response to Mr. Gordon's questioning that you did call Mr. La Berge. 03:42

And he said what?

A. He said no. He said, "It's not going to happen, and they can do it on Monday when Sheriff Villanueva gets sworn in." 03:42

Q. But that's not what Villanueva and Del Mese wanted.

They wanted it done before the swearing-in of Villanueva; correct?

MR. GORDON: Objection. Calls for speculation. Calls for opinion. 03:42

BY MR. MILLER:

Q. Is that what Del Mese told you: He wanted it done before -- he wanted Mandoyan reinstated, and he wanted this disciplinary -- 03:42

these disciplinary actions wiped out before Villanueva got elected -- got sworn in? Pardon me.

A. He --

MR. GORDON: Objection. Misstates the testimony. 03:42

THE WITNESS: Larry Del Mese told me that they wanted it done by Friday. They wanted it done while McDonnell was in office. They did not want it to be done on Monday when it would have been easier, as I had suggested. And I was told emphatically, "It has to be done by Friday." 03:42

BY MR. MILLER:

Q. Told emphatically it has to be done by Friday by whom? 03:43

A. By whomever in the chain of command can sign it off.

Q. Who told you that?

A. Larry Del Mese. 03:43

Q. Okay. And was that in the November 26 telephone conversation?

A. Yes.

Q. Okay. And then below the next line it says, "L/U case." 03:43

What is "L/U" again? 03:43

A. "Look up."

Q. "Look up the case. Get back."

And then there's a line -- I think you testified in response to the questioning from 03:43 the other attorney that below the line was what?

What were those items that you mentioned below the line?

A. So it was a manner of parsing out the request: taking a look at the two cases; taking 03:43 a look at what could be done, what should be done, what things I wanted to follow up on, and what I felt I needed to know to communicate back to Larry Del Mese.

MR. MILLER: Okay. I have a few more 03:44 questions I'd like to ask, but I'd like to take a short break before we do it --

THE WITNESS: Yes.

MR. MILLER: -- if that's okay with everybody. 03:44

Is that okay with you, John?

MR. GORDON: All right.

MR. MILLER: Thanks.

THE VIDEOGRAPHER: Off the record, 3:45. 03:44

(Recess taken.) 03:44

THE VIDEOGRAPHER: Okay. Time is 3:51. We are back on the record.

BY MR. MILLER:

Q. Ms. Ault, there was some testimony you gave during the direct examination about speaking to county counsel. 03:50

What was the person's name again? I can't pronounce it.

A. Pirjo Ranasinghe. 03:50

Q. Okay. Pirjo Ranasinghe.

In any of your conversations -- well, I don't want to ask that, because that will invade the privilege.

I'll just ask it more directly: Did that individual, Pirjo Ranasinghe, or any other counsel at any other -- any other county counsel at any time approve of the settlement with Caren Mandoyan? 03:51

And when I say "the settlement," I'm talking about the settlement that's contemplated in Exhibit 1, AULT1 through 4. 03:51

MR. GORDON: Objection. Lack of foundation. Calls for speculation.

BY MR. MILLER: 03:51

Q. To your knowledge, did county counsel ever approve of the settlement between the sheriff's department and Caren Mandoyan whereby he was reinstated? 03:51

A. No.

Q. What about Chris Keosian: Did he ever approve that settlement?

MR. GORDON: Objection. Calls for speculation. 03:51

BY MR. MILLER:

Q. To your knowledge.

A. No.

Q. Okay. I have another question for you. You've testified at some length about the 03:52 implied threat when Larry Del Mese called you and said, "I'm looking at the org chart. I see your picture on it."

Do you recall all that testimony?

A. Yes. 03:52

Q. And you testified you were upset by that.

A. It bothered me a lot.

Q. It bothered you a lot.

A. Yes. 03:52

Q. And my question to you is did you ever send an email or file a written complaint against Larry Del Mese for threatening you? 03:52

A. No.

Q. Why not? 03:52

A. Because once I made the decision to go, I wanted to go out as a professional. I didn't want to go out leveling accusations. It is what it is, and it more speaks to who I am than anything more about what happened. 03:53

Q. And is that also why you refused to speak to the LA Times reporter: because you wanted to be professional and up front about it?

A. I --

MR. GORDON: Hold on. 03:53

Objection. Mischaracterizes the testimony.

MR. MILLER: I'll reask the question.

Q. Is that also why you refused to speak to the LA Times reporter? 03:53

MR. GORDON: Objection -- same objection. Mischaracterizes the testimony. Assumes facts not in evidence.

BY MR. MILLER:

Q. You can answer the question. 03:53

A. I refused to speak to the LA Times reporter because I have a pretty well-defined set of ethical principles that I operate off of. And everything I learned I learned over the course of my employment about Mandoyan, and so I had nothing to talk about with her. 03:53

I wasn't about to violate my own principles for some, you know, reason of being upset. My decision was made, and I don't -- I didn't have anything to say about it. 03:53 03:54

BY MR. MILLER:

Q. Well, tell me this: Why are you testifying and telling your full story and answering my questions and Mr. Gordon's questions here today? 03:54

A. Well, first of all, I was subpoenaed. But --

Q. Subpoenaed by whom?

A. By Mr. Villanueva, Sheriff Villanueva.

Q. Okay. 03:54

A. And because this is in the course of my employment. This is asking in an official capacity about something that happened while I was officially working for the organization, and it relates to the operation of the sheriff's 03:54

department. 03:54

And so this is the forum to provide all the information and answer all the questions. This is more consistent with me than standing on my porch telling something to a reporter. It's 03:54 not how I work.

MR. MILLER: Okay. No further questions at this time.

MR. GORDON: I have further questions.

THE VIDEOGRAPHER: 3:56, off the 03:55 record.

(Brief pause in the proceedings.)

THE VIDEOGRAPHER: Okay. We are on the record at 3:57.

03:56

FURTHER EXAMINATION

BY MR. GORDON:

Q. Is it your testimony that while you were at the sheriff's department, the department never settled any discipline cases once they got 03:56 to the superior court?

A. It's my testimony that I am not aware of a case being pushed through in the manner in which it was -- in the manner in which this one was. 03:56

Q. Are you aware of discipline cases that the department settled while the cases were in writ petition proceedings in the superior court? 03:56

A. I am not aware of one, no.

Q. Any at all? 03:56

A. I'm not.

Q. Did you ever sign any settlement agreements -- strike that.

Did you ever sign any settlement agreement in any way case involving discipline of a deputy that was in writ petition proceedings in the superior court? 03:57

A. No.

Q. And what did you mean when you testified that Sheriff Villanueva could do whatever he wanted to do on Monday? 03:58

A. What I meant by that is the sheriff -- you know, the sheriff has settlement authority in matters. He has his own opinion. Sheriff Villanueva did not have the right to impose his will upon Sheriff McDonnell. So my statement was that Sheriff Villanueva can take whatever action he wants to when he's the seated sheriff, but he can't tell Sheriff McDonnell what to do while he's still the sheriff-elect. 03:58 03:58

Q. And did you ever understand anything Del Mese said to you to constitute an assertion by Villanueva that he had the power to force McDonnell to sign any settlement agreement? 03:58

A. I didn't take what Larry said to me as he could force McDonnell what to do. I took what Larry said to me as forcing me to get it done, and I took that to tie into my future vitality in the sheriff's department. 03:59

Q. Is it your testimony that the sheriff's department has, before Villanueva took office December 3, 2019 -- I mean 2018, never agreed to revise findings in a prior disciplinary proceeding that itself was not the reason for discharge? 03:59 04:00

A. I understood everything you said until the last part.

Q. Is it your testimony that the sheriff's department before Alex Villanueva took office on December 3, 2018, never entered into a settlement agreement that provided for revision of findings in a case of discipline that wasn't itself the basis for a deputy's discharge? 04:00

A. I don't understand what you mean by "itself a basis for" -- I don't understand that 04:00

last part. 04:00

Q. In Mandoyan's case was it your understanding that the 2015 case involving use of force was not a basis for his discharge in the domestic violence disciplinary matter? 04:00

MR. MILLER: That sounds like a different question.

THE WITNESS: I don't know how to marry the two aspects of what you're talking about. I'm not clear what you're asking. 04:01

BY MR. GORDON:

Q. Was it your understanding that the sheriff's department or the Civil Service Commission used as a basis for discharge of Mandoyan his 2015 disciplinary matter? 04:01

A. Oh, I don't know if they considered that or not.

Q. And what I'm asking you is are you saying that the sheriff's department, before Villanueva took office, had never agreed to 04:01 revise a finding in a prior disciplinary proceeding as a result of a settlement in a later disciplinary matter?

A. Yes. I'm saying that I've never seen what I'll call a stale case being resurrected in 04:01

a contemporary case and changing that finding. 04:01

Q. How many disciplinary cases have resulted in settlements in the sheriff's department?

A. I couldn't even begin to speculate. 04:02

Q. How many disciplinary matters that have resulted in settlement have you had personal knowledge and visibility into?

A. Hundreds if not thousands.

Q. And what percentage of all disciplinary 04:02 settlements do you believe you had personal visibility into the terms of?

A. So having read the settlement agreements, I would say again hundreds if not reaching near a thousand over my time in that 04:02 division.

Q. Right. There were -- were there -- would you say there were thousands of other disciplinary proceedings that you have personally had involvement in during the course 04:02 of disciplinary proceedings under sheriffs back to Block?

A. So my knowledge base comes from my time within the Professional Standards and Training Division and my multiple assignments there. So 04:02

over a span of my career I've seen hundreds if not close to a thousand of different settlement agreements over periods of time in variety of iterations, both contemporary and then ones that I've researched that go back. I have never seen one where a stale case was resurrected from the past and brought into a contemporary action. 04:03 04:03

Q. And how many years of your 36 years have you not had access to disciplinary record files? 04:03

A. So I -- in varying -- it's a difficult question, because in varying capacities as a sergeant and lieutenant I saw them in different assignments and at headquarters assignments. But my hands-on, like, regular duties that brought these into my work on a regular basis began back in 2008, and that is where the volume of my seeing these would have began the consistent, regular interaction with them. 04:03

Q. And did you personally have knowledge of every disciplinary matter that resulted in actual imposition of discipline on an officer since 2008? 04:04

A. No.

Q. Right. There were -- I assume there 04:04

were plenty of cases where you didn't have personal involvement or knowledge of the facts of the disciplinary proceedings; right? 04:04

A. Correct.

Q. And as to those, do you know what the result of any negotiations for a settlement were? 04:04

A. So I would only become aware -- there's different ways I would become aware of settlement agreements. So I may not have known about the underlying discipline case, but I may have come across the settlement agreement. 04:04

So it's not a linear process. It's sort of -- the better way to describe it is more like popcorn: It kind of comes and goes on a variety of levels for a variety of reasons when I'm in that -- you know, from 2008 on. 04:05

Q. And do you have any way of telling me what percentage of all discipline cases in your 36-year tenure at LASD you have personal knowledge of the terms of any settlement? 04:05

A. I couldn't begin to tell you. That would be a huge undertaking. I couldn't even begin to estimate.

Q. Did you tell Larry Del Mese that his 04:05

comments about Mandoyan's character during his call to you about the 2016 civil service proceeding for Mandoyan was inappropriate? 04:05

A. During the conversation I told him that I was very uncomfortable. I said, "This isn't good." I even used the term "pay-to-play" with him. I said, "This isn't" -- that "This is not going to go well. This is outside of what we do, and I can't believe this is what you guys want to do." 04:05 04:06

And that was the gist of what I said to him.

BY MR. GORDON:

Q. I'm not asking about --

MR. MILLER: I think she was -- 04:06

BY MR. GORDON:

Q. I'm asking --

Hold on.

MR. MILLER: I think she -- just let me clarify. 04:06

MR. GORDON: Just let me ask my --

MR. MILLER: I think she was talking --

MR. GORDON: I'm taking the deposition. Let me just ask my question.

Q. I asked you about your testimony 04:06

concerning what Del Mese said to you during the 2016 Civil Service Commission proceeding in which you said he commented on his own personal knowledge of Mandoyan's character. 04:06

And so what I'm asking you is am I correct in recalling that you testified to that? 04:06

A. Yes, you did. I misunderstood. I thought you were talking about the 2018 phone call. So if you could go back and ask the question again. I was confusing the phone call with that civil service phone call. 04:06

Q. With regard to what you said Del Mese said to you during Mandoyan's 2016 Civil Service Commission proceeding in which you said Del Mese commented on his personal knowledge of Mandoyan's character, did you say anything to Del Mese at that time about your view of whether it was appropriate for him to comment to you on his personal view of Mandoyan's character? 04:07

A. No. 04:07

Q. Did you ever tell Del Mese anything you thought about his commenting on Mandoyan's character in his telephone call to you to comment on the way that Sergeant Roam was conducting herself in Mandoyan's 2016 Civil 04:07

Service Commission proceeding? 04:07

A. No.

Q. Did you ever report Del Mese to anyone at LASD for commenting on Mandoyan's character in connection with his complaint, Del Mese's 04:07 complaint, about the way Sergeant Roam was handling Mandoyan's Civil Service Commission proceeding?

A. No.

Q. So your counsel asked you about whether 04:08 you could be removed for cause under a sheriff's -- under any sheriff's decision-making.

Did I understand that correctly?

MR. MILLER: No. I asked her whether 04:08 she was at-will.

MR. GORDON: I'm just asking her -- I'm just asking whether I -- I'm asking the witness --

MR. MILLER: I'm trying to help you. I 04:08 asked her whether she was at-will.

MR. GORDON: She's an intelligent woman. She can tell me what she meant and whether I'm misunderstanding what you [sic] testified to. 04:08

Q. So I'm asking you did you testify -- 04:08

MR. MILLER: Okay, John.

BY MR. GORDON:

Q. Did you testify in response to a question from your counsel that the sheriff had 04:08 the ability to fire you at will with no cause at all?

A. The position I sat on at the time I left the department is an at-will position, so I serve at the pleasure of the sheriff. 04:08

Q. Right. But didn't -- my understanding from your testimony when I was asking you question is that the most the sheriff could do to you without cause was demote you from chief to commander. 04:09

Did I misunderstand that?

A. In some aspects, yes, you did misunderstand.

Q. Okay. Without cause are you saying that Villanueva could have simply fired you from 04:09 the department if he chose?

A. The way that I understand the civil service -- or the way I understand the county code is, yes, he could have said, "Your services are no longer needed," and I could have been 04:09

sent away.

The restoration rights that I have, which I think is what you're referring to, are only in play if there's a position to restore me to. And so my understanding is, yes, I was in peril of losing my employment.

Q. So when you said before if you were removed from your chief position and repositioned to commander, it would have significant implications on your retirement -- did I understand that correctly?

A. Yes.

Q. -- were you saying that because you thought that was the most that Alex Villanueva could do to you without cause?

A. That was one of many considerations that I took into account as I made my decision to walk away. Because if I had remained and on Monday he became sheriff, he could very well say, you know, "Thank you, Alicia, but I'm now going to make you a commander."

And if he was able to pull that off, then if I chose to retire, I would lose tens of thousands of dollars not only in one aspect of my retirement, but I would retire at a lower

salary. And that would impact me for the rest of my life, the entire rest of my life. So it was a big, big deem. 04:11

Q. How many settlement agreements, approximately, do you think you signed resolving disputes with sworn personnel challenging your discipline? 04:11

A. My personal involvement? I've signed, I'd estimate, 25 to 30 personally.

Q. And of those, how many would you estimate were signed while disciplinary proceedings had not yet reached the Civil Service Commission? 04:11

A. They were all before that.

Q. So you never signed any settlement agreement resolving a dispute with a sworn officer after the disciplinary proceeding had hit Civil Service Commission; is that what you're saying? 04:11

A. I'm trying to recall, because you're -- it's a pretty specific question, and I don't really recall that I signed any while they were mid civil service hearing. 04:12

Q. And did you ever sign any settlement agreement resolving a sworn officer's challenge 04:12

to his discipline after the officer's Civil Service Commission proceeding had concluded? 04:12

A. I can tell you no, I had not signed any settlement agreements post civil service.

Q. Now, you've testified that you had a well-defined set of principles; correct? 04:12

A. Yes.

Q. Did you consider it consistent with your well-defined set of principles when you told Maya Lau, the LA Times reporter, to look for emails to find what she was looking for? 04:13

MR. MILLER: Objection. That's just a snotty question. Could you withdraw that.

MR. GORDON: No.

Q. I'm asking: Do you think -- did you think your -- 04:13

MR. MILLER: It's just a snotty, nasty question. It's inappropriate. It's unbecoming.

BY MR. GORDON:

Q. Did you think you were complying with your set of principles when you told her, "Go look for emails, and you can find what you're looking for"? 04:13

A. Yes.

Q. Why did you think that it was -- 04:13

A. Let me correct you. I did not say "and you can find what you're looking for." You added that. I did not say that to her.

Q. Have you -- do you deny that you mentioned Del Mese's name during your conversation with Maya Lau when she came to your house?

A. I testified that I don't have a recollection, but it's possible that his name came up.

Q. And my question is are you denying that you're the one who raised his name in your conversation with Maya Lau?

A. I don't recall how his name came up even if it at all came up. So how can I deny something if I don't have a clarity that it happened? I wouldn't -- I wouldn't deny that.

Q. Why did you tell her to look for emails instead of just saying, "I'm sorry. I have no comment about an internal personnel matter at LASD"?

MR. MILLER: Objection. That misstates her testimony. She testified she told her to do her job.

MR. GORDON: You're giving a speaking

objection. You can object as misstating the testimony. You shouldn't be testifying to what she said. 04:14

Q. My question to you is --

MR. MILLER: This is also asked and answered. 04:14

BY MR. GORDON:

Q. My question to you is --

MR. MILLER: And it's also --

BY MR. GORDON: 04:14

Q. -- why did you -- why did you --

MR. MILLER: -- unnecessary.

BY MR. GORDON:

Q. -- why did you say anything to Maya Lau beyond, "I have no comment in response to a question about an internal LASD matter"? 04:14

A. Because I wanted Maya Lau to leave because I was frustrated by her presence. I was expecting home healthcare givers to come so I could take care of my aunt. And it was quite a shock when she asked me my name and I told her, "Yes, this is me," and she said, "Well, I'm Maya Lau." I couldn't believe that she had come. 04:14

And so I wanted her to go because I had a very sick aunt that I needed to take care of. 04:15

I was tired from hospitaling with my aunt. I was frustrated by her presence. And if you haven't spoken to her, she's slightly persistent. And so at some point I'm telling her to do her job: "Go file a PRA. Go look at the public record. Go do whatever it is you do. You're a good investigator." 04:15 04:15

I don't think it's violating a principle that I have on any level. That's just not -- that's not violating a principle. That's wanting someone to please leave my home so I can get back to the business of my day. 04:15

Q. And did you suggest that she submit a PRA request for emails?

A. I told her, "Go do what you do. Submit a PRA. Find whatever it is you want to look for." That is a basic investigative skill for any person in oversight, in the media. They paper the department for PRAs on all kinds of things. So telling Maya Lau, "Go file a PRA. Go look for records. Do what you do," is really not giving her much of an insight into anything. 04:15

Q. Are you saying you did a study of the factual records supporting Mandoyan's discharge?

A. I said I read the civil service 04:16

decision that I have included in Exhibit 1. 04:16

Q. Did you do anything further to study the factual records supporting Mandoyan's discharge?

A. No. I read that document, and that was it. 04:16

Q. Did I understand you correctly to say that the domestic violence finding in the Civil Service Commission report was not a close call in your assessment of the case? 04:16

A. In my opinion.

Q. What corroboration for the domestic assault allegation by Deputy Taylor in the report that you read did you consider to be persuasive? 04:16

A. Honestly, I don't have a recollection. I haven't read this document since somewhere around September 26. My life has been in an upheaval since then, and I would have to read that before I would begin to answer that question for you. 04:17

Q. Did you consider anything in the Civil Service Commission report to undermine the domestic violence allegation by Taylor -- Deputy Taylor? 04:17

A. I don't have a recollection of a specific incident that would be consistent with that. 04:17

Q. Do you remember reading in the report any corroboration for the action -- for the photographs that she presented showing a mark on her neck? 04:17

A. I don't recall the specifics of reading that case. And it's been quite some time, and I don't -- I'd have to go back and reread it to articulate what I felt was the basis for my opinion. 04:17

Q. Did you consider whether there was any witness who claimed to have seen any supposed assault by Mandoyan on Taylor as whether the -- 04:17

MR. MILLER: How about the video?

MR. GORDON: -- as whether the --

First of all, that's an improper.

MR. MILLER: It's on video, John.

MR. GORDON: It's an improper statement. 04:18

MR. MILLER: It's an improper question.

MR. GORDON: First of all, you're wrong. The video had nothing to do with the assault on the neck which he claimed was -- 04:18

MR. MILLER: Oh, you're right. 04:18

MR. GORDON: -- from a prior time.

MR. MILLER: The video was just a breaking and entering.

MR. GORDON: You shouldn't be 04:18
testifying anyway. If you got an objection, just state your objection; I'll consider it. If I need to rephrase, I'll rephrase. But you shouldn't be -- and, first of all, you were wrong on the facts. But, secondly, even if you 04:18
had been right, it's inappropriate, and you know it.

How long have you --

MR. MILLER: Why don't you just ask her if she was the video? 04:18

MR. GORDON: How long have you been doing this, for God's sake? You know what's right.

MR. MILLER: Why don't you just ask her if she saw -- 04:18

MR. GORDON: I don't need to --

MR. MILLER: -- the video --

MR. GORDON: I don't need to ask her --

MR. MILLER: -- of men going and breaking and entering and crawling through the 04:18

bathroom window -- 04:18

MR. GORDON: So all of this --

MR. MILLER: -- and using a crowbar --

MR. GORDON: -- is inappropriate.

MR. MILLER: -- to get -- 04:18

MR. GORDON: All of this --

MR. MILLER: -- to pry open the door.

MR. GORDON: -- is inappropriate.

All right? State your objection and leave it at that. You shouldn't be testifying without being 04:18 under oath, and you're not the witness anyway.

Q. My question to you is did you consider whether there was any corroboration in the form of any witness who claims to have had personal knowledge of any assault on Taylor by Mandoyan? 04:18

A. I am going to go back to say I don't have a refreshed recollection. I didn't make notes about what was a pro or a con or a support or a detractor, and I can't answer your question without sitting down, going through it, 04:19 rereading it and refreshing my recollection.

Q. Did you consider in deciding that it was not even a close call in your assessment of the case that two of Taylor's former supervisors said she wasn't a credible witness? 04:19

A. In order to give you an answer to that question, I would have to go back and reread the matter, make some notes and provide you with my opinion as to what was -- 04:19

MR. MILLER: Did the two supervisors testify before the Civil Service Commission? 04:19

MR. GORDON: First of all, it's inappropriate for you to be asking. But you can look at the report and you can see.

MR. MILLER: I don't remember them testifying. 04:19

Were they on the campaign for Alex Villanueva? Did they work on it?

BY MR. GORDON:

Q. Did you -- at the time you made the notes in AULT44 and 45 or thereafter, did you ever consider putting in your notes that you considered Del Mese to be either threatening you or testing you? 04:19

A. No. 04:20

Q. Now, you did you go back and make notes after your contemporaneous notes taken during the November 26 call on page AULT45; correct? That's what you said?

A. I'm sorry. What notes are you -- 04:20

Q. Am I correct in understanding your testimony to be that on AULT45 in Exhibit 1 -- 04:20

A. Yes.

Q. -- the top half of the page was the notes that you took contemporaneous with your call with Del Mese -- 04:20

A. Yes.

Q. -- on the 26th?

A. Yes.

Q. And the notes below the line in the middle of the page were notes that you made after you had finished your phone call and went back sometime later and wrote follow-up notes on the bottom half of the page, AULT45; did I get that right? 04:20

A. Yes.

Q. All right. And my question is, in going back to your notes on 45, did you consider adding to your notes, either at the top or the bottom of the page, anything about a threat or a test? 04:21

A. I never considered articulating the threat in a note on -- in the notes on this. I think for me the first sentence was sufficient for me to articulate how I felt and to prompt 04:21

any recollection about how I felt. And then I also think that my leaving my employment speaks for itself. 04:21

MR. GORDON: All right. I have no further questions. 04:21

MR. MILLER: I don't have any questions. Thank you.

MR. GORDON: Are you interested in a stipulation regarding deposition transcripts?

MR. MILLER: Whatever the Code says, yeah. That's fine. 04:21

MR. GORDON: So you're not interested in a stipulation?

MR. MILLER: What would you propose?

MR. GORDON: Here's what I would propose. You tell me whether you're agreeable to it. 04:21

MR. MILLER: Okay.

MR. GORDON: We propose to relieve the -- and this doesn't need to be on the videotape, but... 04:21

THE VIDEOGRAPHER: It's rolling. So...

MR. GORDON: We propose that -- as a stipulation that the court reporter be relieved of her duties under the Code. 04:22

The court reporter will send the original transcript and exhibits to counsel for the witness, you Mr. Miller, with a copy to counsel for us, the deposing party. 04:22

The witness will have 30 days to review the transcript, to make any corrections, and that 30-day period will begin to run from the day plaintiffs -- you receive the transcript and exhibits. 04:22

You or the witness will have 30 days from that date to submit to us, defense counsel, any corrections and the original transcript signed under penalty of perjury by the witness and shall at the same time return the original exhibits, or if you choose to keep the original transcript, to provide us a copy, which, if for some reason the original of the transcript is not corrected and/or signed and returned within 30 days, the transcript be shall be deemed signed, and a certified copy of the transcript shall be used as if it were the original version. 04:22 04:23

We will maintain custody of the original transcript and exhibits if they are returned by counsel for the witness, and we will 04:23

lodge them in connection with any hearings as they may be necessary at least two days prior to the hearing upon request by you, and we will lodge the original transcript with the court at the time of any trial without the need for any further request by the witness's counsel. 04:23 04:23

And if the original transcript and exhibits are unavailable for any reason, a certified copy in lieu of an original may be used for all purposes. 04:23

MR. MILLER: I don't know. Let me think about it. Let's just go with the Code right now, and let me think about it.

MR. GORDON: All right.

MS. SANCHIRICO: We'd like one copy. 04:23

MR. MILLER: We want a copy right away, expedited ASAP.

How fast can you get it to us?

THE REPORTER: Tomorrow?

MR. MILLER: Tomorrow's fine. Sorry to make you work. We want it right away. 04:23

And we want a copy. We'll get the original, and we'll buy a copy.

THE VIDEOGRAPHER: Okay?

All right. This concludes the video of 04:24

today's testimony given by Alicia Ault. The total number of media units was eight and will be retained by Veritext Legal Solutions. We are off the record at 4:25. Thank you. 04:24

(Whereupon, at 4:25 p.m. the deposition of ALICIA AULT was adjourned.)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I, ALICIA AULT, hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, 2019, at _____, California.

_____
ALICIA AULT

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I, AUDRA E. CRAMER, CSR No. 9901, in and for the State of California, do hereby certify:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify the truth, the whole truth and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting under my direction, and the same is a true, correct and complete transcript of said proceedings;

I further certify that I am not interested in the event of the action.

Witness my hand this May 24, 2019



Certified Shorthand
Reporter for the
State of California

INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

ERRATA SHEET

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_____ Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.

_____ _____

Signature **Date**

&

& 3:10

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

SETTLEMENT AGREEMENT

Re Write To Our Standards

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Carl Mandoyan, Employee No. 473892 (hereinafter referred to as "Deputy Mandoyan").

RECITALS

The Department and Deputy Mandoyan are interested parties in a dispute and desire to settle any and all matters involving Internal Affairs Bureau's Investigation No. 2383392 and under Civil Service No. 16-276. The parties desire to resolve all disputes arising as the result of that investigation, the Civil Service matter, and to avoid litigation and any and all administrative processes upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Deputy Mandoyan for and in consideration of the mutual covenants herein, agree as follows:

Case # 1 1. The Department, upon execution of this Settlement Agreement, shall rescind the discharge action that was imposed on September 14, 2016, pursuant to Internal Affairs Bureau's Investigation No. 2383392.

Case # 1 2. Both parties agree and understand that Deputy Mandoyan' s ~~Personnel Performance~~ PRMS Index will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2383392.

Case # 2 3. Both parties agree and understand that Deputy Mandoyan' s ~~Personnel Performance~~ PRMS Index will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2392810.

4. Deputy Mandoyan agrees to waive any and all future administrative and/or judicial remedies with respect to this matter and Internal Affairs Bureau No. 2383392, Writ of Mandate # BS 174714 and Civil Case # BC 719337. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission, Los Angeles County Employee Relations Commission and/or the Los Angeles Superior Court. He also agrees to file requests for dismissal of both his civil lawsuit and Writ of Mandate within ten (10) court days of the signing of this agreement by all parties.



5. In addition, the Department will pay Deputy Mandoyan full back pay from the date imposition on September 14, 2016 through the date of this signed Settlement Agreement. Furthermore, Deputy Mandoyan shall be restored to the position of Bonus 1 Deputy Sheriff and made whole with medical benefits and LACERA retirement (Plan B). The Department shall restore all time variances that Deputy Mandoyan had prior to September 14, 2016 (sick, sick personal, vacation, excess vacation, holiday, percentage, and save time.

Never a B1.

Cannot Do This

Double Dip

6. Deputy Mandoyan acknowledges and agrees that he has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.

7. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Settlement Agreement resolves the dispute between Deputy Mandoyan and the Department, and is not to be applied to any other facts or disputes.

8. In consideration of the terms and conditions set forth herein, Deputy Mandoyan agrees to fully release, acquit, and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Mandoyan concerning the subject matter referred herein. Additionally, Deputy Mandoyan specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment, based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, sexual orientation or gender and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

9. Deputy Mandoyan further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

10. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Settlement Agreement.

11. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.

12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

13. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the Provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

DEPUTY CARL MANDOYAN, NO. 473892 Date

MR. MICHAEL GOLDFEDER Date
MICHAEL A. GOLDFEDER LAW OFFICE

For the Department:

ALICIA E. AULT, CHIEF Date
PROFESSIONAL STANDARDS AND TRAINING DIVISION

CONFIDENTIAL PERSONNEL RECORDS

From: Ault, Alicia E.
Sent: Friday, November 30, 2018 3:34 PM
To: Lawrence Del Mese;Del Mese, Lawrence E. (LEDelmes@lasd.org)
Subject: RE: Mandoyan 112618
Attachments: Office Open XML word processing document 2.docx

Sir,

As today is my last day in service to the county I wanted to close the loop on this request.
I have given this document to Ms. Prijo Ranashinge, County Counsel, to process Sheriff Elect Villaneuva's priority request forward.

I have been told this request has been given to contract counsel and the County Counsel Litigation Attorneys to work together with Mr. Mandoyan's attorney to achieve the goal of returning him to work.

Regards,

Alicia Ault

From: Lawrence Del Mese [mailto:[redacted]
Sent: Monday, November 26, 2018 2:56 PM
To: Ault, Alicia E. <aeault@lasd.org>
Subject: Fwd: Mandoyan 112618

Sent from my

Subject: Mandoyan

Sent from my iPhone

2383 392

Lawsuit 9/7/18 (4) Release of Both Lawsuits

Lawsuit 8/27/18

(4) → Back-Pay

(7) Discipline?

(3) As if on Leave of Absence

(005) Place Where?

Date 11/26/18

Topic

Meeting Objectives

Del Mese

Attendees

Notes

Looking @ Photo of Mese on Org Chart
- Newer photo

1) Return to WK Mandoyan Case
SIA

To Chief of Div.

No to US to His bucket

LM Case 2383 392 Get Back

Discharge Case - 5 days OOS

NOT on Table

LOOK IN SECON

Release 2 Lawsuits
& back pay
As if on Leave of Absence
Place where
Any discipline

Action Items

Steven G. Madison (Bar No. 101006)
stevemadison@quinnemanuel.com
John Gordon (Bar No. 112750)
johngordon@quinnemanuel.com
T. Scott Mills (Bar No. 313554)
scottmills@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT

COUNTY OF LOS ANGELES,

Petitioner/Plaintiff,

vs.

ALEX VILLANUEVA, Sheriff of Los Angeles County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive,

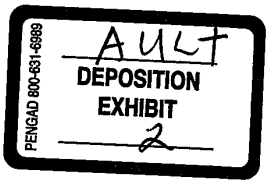
Respondents/Defendants.

CASE NO. 19STCP00630

RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF ALICIA AULT

Date: May 30, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017

WORKING COPY



TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

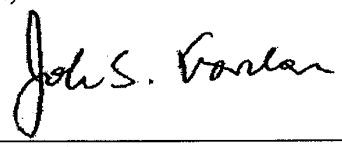
PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010, *et seq.*, Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's Department will take the deposition of Alicia Ault on Thursday, May 30, 2019 at 9:00 a.m., at the offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays, Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically and videotaped, and may be used at trial. The deposition may also be recorded through the instant visual display of the testimony. The deposition will be taken before a notary public or authorized officers.

PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

DATED: May 6, 2019

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By 

John S. Gordon
Attorneys for Sheriff Alex Villanueva and Los Angeles County Sheriff's Department

EXHIBIT A

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

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All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

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All DOCUMENTS prepared, created, generated, or revised between December 3, 2018 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

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All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating "The County Counsel . . . shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party."

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All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

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REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

EXHIBIT 1

SUBP-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017 TELEPHONE NO.: (213) 443-3000 FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: County of Los Angeles DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	CASE NUMBER: 19STCP00630

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known)*:
Alicia Ault

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 30, 2019 Time: 9:00 a.m. Address: 865 South Figueroa St., 10th Floor
Los Angeles, CA 90017

a. [ ] As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
b. [X] You are ordered to produce the documents and things described in item 3.
c. [X] This deposition will be recorded stenographically [X] through the instant visual display of testimony and by [ ] audiotape [X] videotape.
d. [X] This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

3. The documents and things to be produced and any testing or sampling being sought are described as follows:

[X] Continued on Attachment 3.

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

[ ] Continued on Attachment 4.

5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019

▶ John S. Gordon
(SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon — Attorneys for Defendants
(TYPE OR PRINT NAME) (Proof of service on reverse) (TITLE)

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-020 [Rev. January 1, 2009]

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

Legal Solutions Plus

Code of Civil Procedure §§ 2020.510, 2025.220, 2025.230, 2025.250, 2025.620; Government Code, § 68097.1

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:
   a. Person served *(name)*:

   b. Address where served:

   c. Date of delivery:

   d. Time of delivery:

   e. Witness fees and mileage both ways *(check one)*:
      (1) ☐ were paid. Amount:..... ..$ 0.00
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify)*: ....$ 0.00

   f. Fee for service: ....$ 0.00

2. I received this subpoena for service on *(date)*:

3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. ☐ Registered professional photocopier
   g. ☐ Exempt from registration under Business and Professions Code section 22451
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

ATTACHMENT 3

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

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All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

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All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 6, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF ALICIA AULT** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

Executed on May 6, 2019, at Los Angeles, California.

Rita Turner

Dean C. Logan
Registrar-Recorder/County Clerk

Department Headquarters
12400 Imperial Highway
Norwalk, California 90650

[Print| Excel | Close] [Page: 1 >>]

Date	Contributor	Candidate or Officeholder	Schedule (Type)	Amount
09/01/18	**Marine Mandoyan** (Manager, Los Angeles International Airport) *INTERMEDIARY:* eFundraising Connections	**Alex Villanueva** *1397275 - VILLANUEVA FOR LOS ANGELES SHERIFF 2018*	A - Monetary (IND - Individual) [*Period:* 07/01/18-09/22/18]	$1,500.00
09/01/18	**Peter Mandoyan** (Financial Consultant, Self-Employed - No Separate Business Name) *INTERMEDIARY:* eFundraising Connections	**Alex Villanueva** *1397275 - VILLANUEVA FOR LOS ANGELES SHERIFF 2018*	A - Monetary (IND - Individual) [*Period:* 07/01/18-09/22/18]	$1,500.00
			Total Monetary Contributions (A):	**$3,000.00** (does not include unitemized)
			Total Amount Received:	**$3,000.00**

[Print | Excel | Close] [Page: 1 >>]

Disclaimer: TRACCER data is input by candidate committees. The RRCC does not amend information to edit variations in spelling, punctuation, use of abbreviations or inaccuracies. Therefore, search results may not be 100% accurate or inclusive.

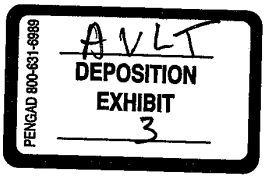


EXHIBIT B

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES, Petitioner/Plaintiff, vs. ALEX VILLANUEVA, SHERIFF OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive, Respondents/Defendants.	CASE NO. 19STCP00630

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF RAYMOND LEYVA

TAKEN FRIDAY, JUNE 7, 2019

LOS ANGELES, CALIFORNIA

Digital Reporter: LUIS VAZQUEZ

Transcribed by TERRI NESTORE, CSR No. 5614, RPR, CRR

Job No. 3416697

PAGES 1 - 206

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES, Petitioner/Plaintiff, vs. ALEX VILLANUEVA, SHERIFF OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive, Respondents/Defendants.	CASE NO. 19STCP00630

VIDEOTAPED DEPOSITION OF RAYMOND LEYVA, TAKEN ON BEHALF OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, AT 10:25 A.M., FRIDAY, JUNE 7, 2019, AT 865 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA, BEFORE LUIS VAZQUEZ, DIGITAL REPORTER, PURSUANT TO NOTICE.

APPEARANCES OF COUNSEL

FOR PETITIONER/PLAINTIFF:

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LOS ANGELES, CALIFORNIA 90017
(213) 443-3000
johngordon@quinnemanuel.com

ALSO PRESENT:

RICHARD SMITH, VIDEOGRAPHER

I N D E X

WITNESS		
RAYMOND LEYVA		
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BY MR. MILLER		201

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NO.	PAGE	DESCRIPTION
Exhibit 4	102	Respondent's/Defendant's Sheriff Alex Villanueva and Los Angeles County Sheriff's Department Notice of Deposition of Raymond Leyva
Exhibit 5	134	2-page letter, March 5th, 2019, to Maryanne Keehn from Ray Leyva, Undersheriff (Designated Confidential)
Exhibit 6	138	2-page unsigned letter, February 5th, 2019, to Sachi Hamai from Alex Villanueva (Designated Confidential)
Exhibit 7	146	2-page email chain, top email from Shawn R. Kehoe on February 5th, 2019, to Rhonda L. Hennessy (Designated Confidential)

QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER

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LOS ANGELES, CALIFORNIA;

FRIDAY, JUNE 7, 2019, 10:25 A.M.

THE VIDEOGRAPHER: Today's date is June the 7th, 2019. The time is 10:25 a.m.

Please note that the microphones are sensitive and might pick up whispering, private conversations and cellular interference. Please turn off all your cell phones and place them away from the microphones, as they can interfere with the deposition audio.

The audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit No. 1 of the video deposition of Mr. Raymond Leyva. It's being taken by counsel for the defendant, in the matter of the County of Los Angeles vs. Alex Villanueva, et al. It's pending trial in the Superior Court of California for the County of Los Angeles, Central District.

Docket number is 19STCP00630.

The deposition is being held at the law firm of Quinn Emanuel, located at 865 South Figueroa Street on the 10th floor, Los Angeles, California, 90017.

My name is Richard Smith. I'm the videographer.

I'm here with court reporter Mr. Luis Vazquez.

We are from Veritext Legal Solutions.

I am not related to any party in this action, nor am I financially interested in the outcome.

If counsel now present in the room can now state their affiliations for the record.

If there are any objections to the proceeding, please state them at the time of your appearance, and we'll begin with the noticing attorney.

MR. GORDON: John Gordon of Quinn Emanuel on behalf of Alex Villanueva, sheriff of Los Angeles County, and Los Angeles County Sheriff's Department.

MR. MILLER: And Skip Miller representing the County of LA and representing Mr. Leyva, the witness; and along with me is my colleague Emily Sanchirico.

THE VIDEOGRAPHER: Thank you. If I could have the court reporter please swear in the witness.

RAYMOND LEYVA,

having been first duly sworn,

was examined and testified as follows:

THE REPORTER: Thank you. You may proceed.

EXAMINATION

BY MR. GORDON:

Q. Mr. Leyva, do you have any documents to produce

that were demanded by your deposition subpoena?

MR. MILLER: I'll handle that. The answer is no.

BY MR. GORDON:

Q. Have you ever been deposed before?

A. Yes, sir.

Q. About how many times?

A. Approximately 25 to 30.

Q. And were those criminal cases?

A. No.

Q. Were any of them administrative discipline-type cases?

A. One.

Q. And were any of them civil liability cases that the Sheriff's Department was defending against?

A. Yes.

Q. Any other types of cases that you've been deposed in?

A. No, sir.

Q. Now, you understand that your deposition today is under oath, right?

A. Yes.

Q. And you'll be subject to penalties of perjury if you intentionally make false statements under oath --

A. Yes.

Q. -- do you understand that?

Now, I'll be asking you questions, your counsel may object, but unless your counsel instructs you not to answer and you follow that instruction, you're required to answer my questions. Do you understand that?

A. Yes.

Q. Are you represented by an attorney today?

A. By Mr. Miller and his associate.

Q. And do you -- have you entered into a written engagement agreement with Mr. Miller --

MR. MILLER: Objection.

BY MR. GORDON:

Q. -- and his firm?

MR. MILLER: That's none of your business.

Attorney-client privilege.

I instruct you not to answer that.

BY MR. GORDON:

Q. You understand I'm not asking for any of the terms of any engagement agreement you've entered into, I'm asking if you have entered into an engagement agreement.

Is the instruction still the same?

MR. MILLER: Same instruction.

Same objection, same instruction.

MR. GORDON: And do we have a stipulation here, like we had one in the Alicia Ault deposition, that if you instruct your witness not to answer, he is deemed not to

have answered, pursuant to your instruction?

MR. MILLER: Sure.

MR. GORDON: And I need not ask him for his confirmation?

MR. MILLER: Sure, John. That's fine.

BY MR. GORDON:

Q. Now, you must answer questions audibly and with words. Nods or shakes of the head can't be transcribed by the court reporter. Do you understand that?

A. Yes.

Q. Now, this court reporter is transcribing the deposition and he can take down the words of only one speaker at a time. Please wait until I finish my question before you answer, and I will wait until you finish answering before asking my next question.

Do you understand that?

A. Yes.

Q. Please ask for clarification if you don't understand my question and I will do my best to rephrase it. If you answer the question, it will be assumed that you understood it. Do you understand that?

A. Yes.

Q. Now, if you need a break, let me know, but you need to answer any pending question before we take a break, unless you need to consult with your attorney about

whether you have a legal privilege not to answer my question. Do you understand that?

A. Yes.

Q. So if I ask you a question, was the light red or the light green, and you simply want to discuss what's the best answer, you're not allowed to simply take a break and say, "I want to go talk to my counsel."

Do you understand that?

A. Yes.

Q. But if I asked you a question that you think calls for an attorney-client privileged or other type of privileged answer, you can ask to take a break and I will provide you one for that purpose. Do you understand?

A. Yes.

Q. Now, there may be times you don't have exact information but you can make a reasonable approximation, so if you can provide a reasonable approximation, please do so and let me know that's what you're doing, okay?

A. Yes.

Q. Now, there may be times that you believe you know the answer but you weren't a hundred percent sure. If you believe you know the answer but you aren't sure, please let me know what you believe the answer to be, with the caveat or understanding that you're not completely sure of that answer. Do you understand that?

A. Yes.

Q. Now, you'll have an opportunity, after this deposition, to review a transcript that will be prepared by the court reporter, and you will have the ability to change or correct any answer in that deposition but do you understand that counsel will be able to comment on any changes that you make to your deposition?

A. Yes.

Q. Am I correct in assuming you've never been convicted of a felony?

A. That's correct.

Q. Am I also correct in assuming you've never been the subject of any discipline by the Los Angeles Sheriff's Department yourself?

A. No.

Q. How many times have you been disciplined by the Los Angeles County Sheriff's Department yourself?

A. Twice.

Q. About when was the -- approximately when was the first time?

A. I believe in 1982.

Q. And what was your rank at the time?

A. Deputy.

Q. What was the subject of the discipline?

That is, what was the subject matter or the

reason for the discipline?

A. We embarrassed -- I embarrassed the Department.

Q. And what -- was a finding made that in fact you had embarrassed the Department?

A. Yes.

Q. Did you contest that after discipline was imposed?

A. No.

Q. What was the specific circumstance that resulted in you being found to have embarrassed the Department?

A. I had cooperated with the FBI in identifying several robbery suspects and I had given that information to the FBI before I told my Department.

Q. Is there a particular reason you did that?

A. No. Just we had a better relationship with that FBI agent than we did with members of our Department at that time.

Q. When you say "we," who was the "we"?

A. Oh, myself and my partner at the time.

MR. MILLER: Are you really going to ask him about something that happened almost 40 years ago?

This trivial?

BY MR. GORDON:

Q. What was the second incident in which you were disciplined by the Department?

A. I failed to qualify for one trimester.
Q. And when you say you failed to qualify, you failed to qualify in what respect?
A. I didn't take -- I didn't go shoot my weapon during the qualifying trimester.
Q. And approximately when was that?
A. 1996.
Q. Did you challenge that discipline?
A. No.
Q. Did either discipline result in any time off work?
A. The first one or the second one?
Q. Did either one?
A. The first one did, yes.
Q. How much time did you get off work?
A. Five days.
Q. And that was suspension without pay?
A. Yes.
Q. The second one did not result in any suspension from time at work?
A. No, sir.
Q. Are those the only two incidents in which you've been disciplined by the LASD?
A. There was one other in 2002, I believe.
Q. What was that discipline for?

A. There was a claim made against me of retaliation in a policy of equality case that had transpired in the unit that I was in charge of, and initially it was founded as a written reprimand.

Q. When you say "initially," was there a subsequent change to that finding?

A. Yes.

Q. What was the subsequent change?

A. I objected to the charge, and it was unfounded.

Q. Who determined that it was unfounded?

A. The division chief and the assistant sheriff in charge at the time.

Q. And was that the end of the proceeding after you challenged it and it was found to be unfounded?

A. Yes.

Q. Are those the only three times that you were disciplined by the Los Angeles Sheriff's Department?

That is, the embarrassment, the failure to qualify, and the -- how would you describe the third one?

A. Allegation of retaliation.

Q. Allegation of retaliation?

A. I believe so.

Q. Is there any reason you can't give your best testimony today, either because you're on medication that affects your thinking or you're ill or anything else?

A. No, sir.
Q. Is there any reason you can't give full and truthful testimony today?
A. No, sir.
Q. Now, were you aware, prior to May 29th, 2019, that you had been subpoenaed to appear at our office for your deposition?
A. Yes.
Q. Did you appear on May 29, 2019, at our office?
A. No, sir.
Q. Why not?
A. There was a miscommunication upon my -- between my part and my attorneys.
Q. Did you think the deposition was not going forward on May 29th, at the time you didn't appear?
MR. MILLER: It's obvious.
MR. GORDON: It's an inappropriate objection.
If you have an objection, state the grounds.
MR. MILLER: Yeah, but these are inappropriate questions.
MR. GORDON: State the ground for it.
MR. MILLER: There was a miscommunication and obviously he would have been here, had he known the deposition was going forward.
MR. GORDON: You shouldn't be testifying.

That's not a ground for an objection, Skip.

State the legal ground for your objection, I'll either withdraw my question or pursue it.

MR. MILLER: Okay. It's not relevant to the subject matter, it's not reasonably calculated to lead to the discovery of admissible evidence, it's harassing, it's unnecessary, it's unbecoming and you don't need to go through this kind of time wasting. That's my objection.

BY MR. GORDON:

Q. All right. You can answer the question.

A. What was the question, again?

MR. GORDON: Would you restate the question, please?

THE REPORTER: Did you think the depo...

MR. GORDON: I'll just re-ask the question.

Q. As of the morning of May 29, 2019, did you believe a deposition was supposed to proceed at our office for you?

A. Not on that date.

Q. When did you think, as of the morning of May 29, 2019, the deposition for you was supposed to occur?

MR. MILLER: Wait a minute. I object on this -- this also invades attorney-client privilege.

You've already got the testimony that there was a miscommunication between our office and our client. I

don't want you to testify, Ray, to any communications that you had with me or Emily or Mira or any attorney in our office, okay? Otherwise, you can answer the questions.

BY MR. GORDON:

Q. I'm asking you when did you, in your own mind, as of the morning of May 29th, before 9:00 a.m., believe that any deposition of you was supposed to occur?

A. May 31st.

Q. When did you decide, on the morning -- strike that.

On the morning of May 29, 2019, did you make any decision not to appear at our office for a deposition?

A. Yes.

Q. And at what time did you decide not to appear at our office for your deposition on May 29th, 2019?

A. I have no idea. I had not planned on being here.

Q. Did you communicate with anyone for purposes of preparing for this deposition?

MR. MILLER: You can say who but don't tell him what we discussed.

THE WITNESS: Yes.

BY MR. GORDON:

Q. How many people did you communicate with to prepare for this deposition?

A. Three people.

Q. Who were they?
A. Mr. Skip Miller, Emily, and Mira Hashmall.
Q. Are those the only three people you've communicated with for the purpose of preparing for this deposition?
A. Yes, sir.
Q. So how many times did you communicate with someone to prepare for this deposition?
A. Twice.
Q. When was the first time?
A. I believe May the 27th or 28th. I'm not sure.
Q. And how many people did you communicate with on that date, of that approximate date, to prepare for your deposition?
A. Two.
Q. Who were they?
A. Mr. Miller and Ms. Hashmall.
Q. About how long did that -- strike that.
Was that an in-person meeting?
A. Yes.
Q. About how long did that meeting last?
A. About an hour.
Q. Did you review any documents during that meeting to prepare to testify at this deposition?
A. No.

Q. And the... are you familiar with any of the testimony of Alicia Ault from her May 23rd, 2019, deposition?

A. No.

Q. When is the second time that you had any communication with anyone to prepare for your deposition?

A. Yesterday.

Q. Was that in person?

A. Yes.

Q. For about how long?

A. About an hour.

Q. Did you review any documents to prepare to testify at this deposition, during that meeting?

A. No.

Q. Have you discussed anything that you thought would be the subject matter of this deposition with anyone other than your attorneys; that is, Mr. Miller and his colleagues?

A. My wife.

MR. MILLER: Okay, you have a marital privilege, so don't testify to what you and your wife discussed, because of the marital privilege, but you can answer his questions otherwise.

BY MR. GORDON:

Q. Other than your wife, have you discussed with

anyone, any matters that you believe would be addressed at this deposition, besides your wife and your attorneys?

A. No.

Q. So you never discussed with any former or current LASD personnel, any subject matter after you were served with your subpoena that you thought would come up at this deposition?

A. No.

Q. Other than your wife, Mr. Miller, and his two colleagues that you've referenced, have you discussed with anyone, any matter that you thought would come up at the subject of this deposition, after you received your deposition subpoena?

MR. MILLER: Objection. Asked and answered but you can go ahead and answer it again.

THE WITNESS: No.

BY MR. GORDON:

Q. Did you bring any written notes with you to this deposition?

A. No.

Q. When did you enter -- when did you enter into any agreement with Mr. Miller's firm for you to represent him?

MR. MILLER: Objection. Calls for attorney-client privileged information, assumes facts not in evidence, and I'm going to instruct you not to answer

on the basis of privilege.
BY MR. GORDON:
Q. Have you entered into any type of understanding with anyone that Mr. Miller's firm would represent you at this deposition?
MR. MILLER: Well, he certainly entered into an understanding with me. I'm here.
BY MR. GORDON:
Q. When did you enter -- well, is that true, what he just said? And that's not an appropriate objection anyway. You can state the grounds for your objection, but you shouldn't be testifying.
Have you entered into any understanding with anyone from Mr. Miller, to represent you in this deposition?
A. Mr. Miller.
Q. Okay. And when was that? Approximately.
A. Um, maybe the first or second week of May.
I'm not sure.
Q. And are you paying anyone for Mr. Miller's firm to represent you in connection with your testimony as a witness at this deposition?
MR. MILLER: Objection. That's attorney-client privilege. Instruct the witness not to answer.
BY MR. GORDON:

Q. Have you disclosed any information to Miller -- Mr. Miller or other attorneys from his firm, concerning any of the matters that you think will be covered at this deposition?

MR. MILLER: Objection.

Attorney-client privilege and Ray, I instruct you not to answer that question.

BY MR. GORDON:

Q. And have you received any legal advice from Mr. Miller or other attorneys from his firm for purposes of preparing for this deposition?

MR. MILLER: You can answer that question yes or no but don't tell him what advice we've given you.

THE WITNESS: Yes.

BY MR. GORDON:

Q. What was your first full-time job as a law enforcement officer?

A. Police officer for the City of Burbank.

Q. Approximately when was that?

A. December of 1976.

Q. How long did you remain as a police officer for the City of Burbank?

A. A little over four years.

Q. And did you leave in approximately 1980?

A. '81.

Q. At the time you left the Burbank Police Department in about 1981, what was your rank at the Burbank Department?

A. Police officer.

Q. What was your next job after leaving the Burbank Police Department in about 1981?

A. Deputy sheriff for the County of Los Angeles.

Q. And what was the reason you left the Burbank Police Department?

A. More opportunity.

Q. How long did you remain as an LASD officer from the time you joined in 1981?

A. In a couple weeks I'll have 35 years.

Q. And the rank that you held during those 35 years, could you list them for me?

A. Deputy sheriff, sergeant, lieutenant, captain, commander.

Q. When did you leave the Department after first joining it?

MR. MILLER: Didn't you forget undersheriff?

MR. GORDON: You're not listening to the question. His answer -- first of all, that's inappropriate. You can object if there's a legal ground for it.

MR. MILLER: I'm just trying to help move this

along.

MR. GORDON: I understood what his answer was and he understood what his answer was. You don't need to help me. That's not helping me.

MR. MILLER: Sorry.

BY MR. GORDON:

Q. At the time you left the Department after 35 years, was that about 2016?

A. Yes.

Q. What was your rank at the time you left?

A. Commander.

Q. What was your specific area of responsibility as a commander? Commander of what?

A. Custody division, general services.

Q. Why did you -- strike that.

Did you retire from the Department in 2016?

A. Yes, sir.

Q. Was the -- what was the reason you retired from the Department in about 2016?

A. I figured 40 years of law enforcement work was enough.

Q. Did you retire on disability from the Department?

A. Yes.

Q. Did the disability have anything to do with your decision to retire in 2016?

A. No.

Q. How long had you been disabled, if at all, prior to the time of your retirement in 2016 from the Department?

A. About a year.

Q. So you had been -- you had been declared disabled by the Department approximately a year before you retired in '16?

A. The Department did not declare me disabled.

I was off on disability leave.

Q. Was any declaration of disability made by any County agency or Department as of the time you were on disability leave?

A. I don't understand the question.

Q. Okay.

For the last year, you were on disability, right?

A. Yes, sir.

Q. Were you reporting to duty at the Department while you were on disability the last year of your original service, 35-year service?

A. No, sir.

Q. So you were off duty?

A. Yes.

Q. Okay. Were you collecting your pay while on disability for the approximately last year you served the

first time at LASD?

A. Yes.

Q. What was the nature of the disability?

A. Un... two herniated discs in the back, carpal tunnel, knees, neck and some heart issue.

Q. And was there any percentage of disability that you were determined to be suffering from?

A. The only percentage I saw was a nine percent issue with my heart.

Q. So from 2016, at the time you retired on disability, until you had any other job -- strike that.

After you retired on disability from the Department in 2016, did you ever have any other full-time job?

A. In December of 2018.

Q. Which job was that?

A. I returned to the Department, at the request of Sheriff Villanueva, to be the undersheriff for LA County.

Q. Was that your official title at the time you returned to the Department in December of 2018, undersheriff?

A. Initially it was executive officer.

Q. And do you know why it was executive officer rather than undersheriff, at the time you returned in December 2018 to the Department?

A. Because I was coming back as a civilian item, civilian personnel, not sworn.

Q. And why were you no longer sworn as of December of 2018?

A. Because I had retired from my position and under new Public Employee Pension Reform Act laws, I could not come back in a safety position.

Q. In what position?

A. Safety position.

Q. Did you run for sheriff in 2006?

That is, sheriff of LA County?

A. Yes.

Q. Who won that election?

A. Lee Baca.

Q. Do you hold advanced degrees from any university?

A. I have a Master's in business administration from Pepperdine University.

Q. And you have an undergraduate degree?

A. A Bachelor of Science in business administration from Cal State University-Los Angeles.

Q. What was the last day that you physically appeared at work -- strike that.

After you originally came back in December 2018 as executive officer -- did I hear that correctly?

A. Yes, sir.

Q. As executive officer, did you subsequently formally hold the title of undersheriff at the LASD?

A. No, sir.

Q. Pardon me?

A. No, sir.

Q. From the time you came back in December of 2018 forward, were you ever the holder of the title at the Department, other than executive officer?

A. Formally, no.

Q. What about informally?

A. Informally I was considered the undersheriff.

Q. How long did you serve as executive officer under Sheriff Villanueva, once you became executive officer in December of 2018?

A. Approximately three-and-a-half months.

Q. What was the last day that you physically appeared at work as executive officer under Sheriff Villanueva?

A. I believe it was March 18th.

Q. 2019?

A. Yes, sir.

Q. What was the last day that you officially served as an employee of the Sheriff's Department?

A. March 18th.

Q. What... strike that.

Did you resign as of March 18th, 2019, from the Sheriff's Department?

A. No.

Q. What was the -- what were the circumstances surrounding your departure from the Department on March 18th, 2019?

A. I was fired by the sheriff.

Q. When is the first time that you understood you were being fired by the sheriff?

A. March 18th.

Q. Tell me the circumstances under which the sheriff fired you on March -- strike that.

Are you saying the firing occurred on March 18th?

A. Yes, sir.

Q. Tell me the circumstances surrounding the sheriff's firing of you on March 18th, 2019.

A. I had been told that I was going to meet with him at 9:00 o'clock on Monday morning to discuss the hiring of a legislative sergeant who would be serving the Department in Sacramento, and that I was supposed to bring all the information on the candidates and the process that had been used to determine who that sergeant was.

So at 9:00 o'clock I was told the sheriff's not in, be here at 9:30. So I went to his office -- I actually went into the office of Larry Del Mese because

Sheriff Del Mese and I believe Roel Garcia were in the office with all the material that they had requested and at that time Larry said, well, I think we should go into the library.

So we got up, we went into the library, which is a room adjacent to the Sheriff's Office and Mr. Del Mese's office. We sat down, I put the material on the desk and the sheriff said, I'm going to put a sworn person in your position, and I said, what? He said, I am going to put a sworn person in your position. I said, is that effective today? He said yes. I stood up, I said, thank you for the opportunity, I wish you the best, I shook his hand and I walked out.

Q. Did you have any belief that you were being fired for any reason other than the sheriff wanted to put a sworn person in as undersheriff?

A. That's all I was told. I have no other... no else to base it on, I'm sorry.

Q. And I'm asking you, did you believe that was his real reason for firing you?

A. You'd have to ask the sheriff.

Q. No, no, I'm just asking in your own mind, did you believe that was his real reason for firing you?

MR. MILLER: Calls for speculation and you told him not to speculate. You can answer it, if you can.

If it's pure speculation, don't do that.

THE WITNESS: I'm going to go with what he said.

BY MR. GORDON:

Q. You're saying for you to tell me what you, in your own mind, thought about his reason for firing you was speculation?

A. It would just be a guess on my part and I don't know that that... you know, bears anything. He told me what he wanted to do, that was his reason for it, and I'm an at-will employee, I accept that.

Q. I understand that. I'm asking you in your own mind, did any thought go through your head about why you believed he was firing you?

MR. MILLER: Objection.

BY MR. GORDON:

Q. If it was any different from what he said the reason was; namely, he wanted to put a sworn person in your position?

MR. MILLER: Excuse me. I object. He said it was a guess. You told him don't speculate. I agree with that. Don't guess, don't speculate but if you have any idea, you should answer the question.

THE WITNESS: Yes.

BY MR. GORDON:

Q. Yeah. What thought went through your mind when

he told you he was firing you because he wanted to put a sworn person in your position, about what his true reason might be?

A. I just -- at that point, I believed that he was tired of me trying to keep him focused and working within policy and procedures and he was tired of listening to me constantly saying, you know, we can't do it that way.

Q. About how often had you told him that he couldn't do what he wanted to do, in the way he wanted to do it?

A. Many times.

Q. Can you recount for me the things you told him he couldn't do in the way he wanted to do them?

A. I told him we couldn't hire Mandoyan back the way he wanted to do it. I told him we couldn't establish a truth and reconciliation panel the way it was being done. I told him we couldn't change the promotional processes the way he was trying to do it. I told him we couldn't change the guidelines for the classifications the way he was trying to do it.

I told him we had to... um, work with the different entities in the County to get things accomplished, and not just unilaterally. Um, and I'm -- I'm sure there are others. I just -- just... too many.

MR. MILLER: Excuse me. Could you read the answer back for me, please?

(Record played back).

MR. MILLER: Could you start that again, because I think you missed the top. Start from the top, when he started with the answer. I thought the first thing you said regarded -- was regarding Mandoyan.

I think you missed that.

(Record played back.)

MR. MILLER: Thank you. You're up, John.

MR. GORDON: I know I'm up. You just had him play the entire thing over again instead of just asking him to play the first line.

Q. Now, when you said that you told him he couldn't hire Mandoyan the way he wanted to do it, when was the first time you told him something like that?

A. Probably within the first or second week of his taking office.

Q. When did -- when did you begin work as executive officer under Sheriff Villanueva in December 2018?

A. I believe December 4th.

Q. And the first time -- you said in the first or second week of him taking office you told him he couldn't hire Mandoyan back the way he wanted to do it, who was present during that communication?

A. I'd have to guess.

Q. Do you remember anyone specific, other than you

and the sheriff, being present during that communication?

A. I would guess probably Larry Del Mese, Roel Garcia.

MR. MILLER: Who Garcia was it?

THE WITNESS: Roel Garcia.

Maybe Eli Vera, Chief Vera.

BY MR. GORDON:

Q. Anyone else?

A. I can't remember now.

Q. By the way, other than believing that Sheriff Villanueva was firing you because he got tired of you telling him what you said you told him too often, did you have any other thought in your mind, at the time he fired you, about why he might be firing you?

In other words, was the one reason that you had in your mind, the one you've told me about or did you have any other reasons for thinking that he might have fired you?

A. No.

Q. All right. Going back to the Mandoyan issue.

When you first told him that he couldn't hire Mandoyan back the way he wanted to do it and you believe these other senior executives were present, was that in person at the office?

A. Yes.

Q. How did the issue come up on that occasion?

A. I believe it was in a general discussion of different things that the sheriff was wanting to do and he wanted to bring Deputy Mandoyan back through the truth and reconciliation panel. I said -- and I think that's how that came up when they was talking about establishing the panel, getting Mandoyan back, and then, you know, a variety of things he was talking about, you know.

That was...

Q. What, if anything, did you know about this issue concerning possibly bringing Mandoyan back, at the time you had that first discussion with him concerning your view that he couldn't do it the way he wanted to do it?

A. My view on it was that he couldn't do it because -- one, because there was no truth and reconciliation panel or process in existence. Didn't exist yet.

And I wasn't familiar with all the circumstances on Mandoyan but I knew it had been over two years, almost two-and-a-half years since he had been released from the Department or fired, and it was my understanding they were just trying to reinstate him into the Department, which I didn't believe they could do because of the time frame since he had been released, and by trying to go through this truth and reconciliation panel I said, well, you can do that, but you have to have it first. You can't just

say you did it. There has to be a process and there wasn't. So I said, you can't do that.

Q. Did you explain to him what type of process you thought he needed to go through to be able to bring Mandoyan back?

A. Yes.

Q. What did you explain to him was the process that you thought he had to implement in order to properly bring Mandoyan back?

A. Well, I initially told him that I didn't -- just the little that I knew about Mandoyan -- I had never met Mandoyan until maybe a couple weeks before this discussion, and really had not -- or basic understanding of his case, but I told him that if you want to use that process, you need to establish it first and you need to get the buy-in from OIG and COC because you're changing the whole procedure for the Department.

The Office of Inspector General is going to have to buy into it, the Civilian Oversight Commission is going to have to buy into it and if you get everybody's concurrence, it will be that much easier to work through that process.

And my recommendation at that time was don't make him your first case. You want to hire more people back, bring them in first and make him six, seven, eight --

whatever -- but get some that are fairly easy and not so high profile as someone who has a domestic violence issue in his background.

Once you establish that process, we can look at his case -- because I had no idea what all the details of the case were -- and if there is a valid way of bringing him back, then we'll have to rehire him because you can't reinstate him.

Q. Why did you think you couldn't -- that the sheriff couldn't reinstate him?

A. Because he'd been terminated from County service over two years, two-and-a-half years and anything -- I don't think he, under even POST rules, he could be reinstated. He would have to come in as a new hire and reestablish his POST credentials and a whole myriad of things that have to take place before you can just be brought back into the Department.

Q. Did you think that would apply even if his discharge was rescinded?

MR. MILLER: That calls for a legal conclusion.

I mean, you can answer it, if you can answer it.

THE WITNESS: I didn't know if he could even -- there was a process to rescind it after that length of time.

BY MR. GORDON:

Q. Did you, in your own mind, believe that if the discharge was determined to be improper by the Civil Service Commission more than two years after his discharge, he could be brought back?

MR. MILLER: Can I have that question read back?

(Record played back.)

MR. MILLER: Calls for a legal conclusion but you can answer it, if you know. Also it's also a hypothetical question because it assumes facts not in evidence because the Civil Service Commission affirmed, upheld the discharge.

MR. GORDON: You're stating more than the legal grounds for your objection.

Q. But you understand my question is in your own mind, did you have any belief as to whether a deputy who was ordered reinstated by the Civil Service Commission more than two years after discharge, could be brought back?

MR. MILLER: Same objection, but you can answer the question, if you understand it.

THE WITNESS: I understand it but I don't know.

It would have to -- the Civil Service Commission would have to overturn its own decision which they made two-and-a-half years prior, to terminate him, and then they somehow would have to work through POST to reinstate

or remove that from his... his history, and I don't know how that would happen.

BY MR. GORDON:

Q. And POST is an acronym for what?

A. Peace Officer Standards and Training Commission.

Q. And you've already explained what OIG and COC stood for, right?

A. Yes.

Q. When you told the sheriff that he couldn't hire Mandoyan back the way he wanted to do it, as you've described in your testimony right now, did the sheriff have any response?

A. Something to the effect of, well, I want to get him back. Okay.

Q. Was that his only response that you recall?

A. Yes.

Q. Did anyone else in the meeting say anything concerning your advice to him about not being able to hire Mandoyan back the way you wanted to do it?

A. I believe every party in there agreed with me that we couldn't do that the way the sheriff wanted to do it.

Q. So did anyone say anything supporting the sheriff's view of whether he could do it?

A. Not in that meeting.

Q. After... After that meeting that you've just testified about, which I believe you said occurred in the first or second week of his administration, after he was sworn in December 3rd, did you ever have any other discussion or communication with the sheriff about the possible bringing back of Mandoyan as a deputy?

A. No. I was pretty much not consulted on Mandoyan after that.

Q. Did you overhear any further discussions about the possibility of bringing Mandoyan back, following this one meeting that occurred in the first or second week of the sheriff's administration?

A. I believe at the end of the third week I heard that he had been hired back by the sheriff.

Q. Were you aware that any truth and reconciliation panel meeting was going to occur prior to December 21st --

A. No.

Q. -- 2018?

A. No.

Q. How did you hear that Mandoyan had been brought back?

A. Maybe my aid told me, somebody -- and I don't know who said it, I just was told, hey, Mandoyan's been rehired and he's working for the sheriff.

Q. What was your understanding -- by the way, who

was your aid?

A. Lieutenant Valencia.

Q. What was his first name?

A. Dominic.

Q. And what was your understanding as to what position Mandoyan assumed upon being brought back into the Department?

A. Deputy sheriff.

Q. Any specific role, when you said he worked for the sheriff, that you understood him to have?

A. As a driver for the sheriff.

Q. And was this your aid who told you that he had been brought back as a driver for the sheriff?

A. I don't know if it was him or just in the office there. It could have been somebody else that told me. I don't know.

Q. Other than that communication, did you ever learn of anything else concerning Mandoyan's rehire, prior to the time you left the Department on March 18th, 2019?

A. Well, I learned that there had been that -- panel had been put together that had made the decision that -- or had made the recommendation that he be brought back to the sheriff and then I learned that there had been a settlement agreement that had been put together, that Chief Vera had signed, and that they were attempting the

process to get him rehired or reinstated and paid with two plus years of backpay and a return to the Department.

MR. GORDON: Let's take a comfort break.

THE VIDEOGRAPHER: One moment, please. We're off the record. The time is 11:17. This is the end of Disc 1 of the deposition of Mr. Raymond Leyva.

MR. GORDON: Take a break.

(Recess taken 11:17 a.m. - 11:28 a.m.)

THE VIDEOGRAPHER: And we're back on the record. The time is 11:28. This is Disc 2 of the deposition of Mr. Raymond Leyva.

BY MR. GORDON:

Q. Did you communicate -- strike that.

Were you present for any other communications about the issue of whether Mandoyan could properly be brought back the way the sheriff wanted to, besides what you've already testified to today?

A. We probably had discussions with Chief Del Mese and Lieutenant Garcia about that issue.

Q. Approximately when did those discussions occur?

A. End of December, probably during the week of the 21st, and in January.

Q. How many times did you have discussions with Chief Del Mese and Roel Garcia concerning whether Mandoyan could be brought back the way the sheriff wanted to do it?

A. Several times.

Q. Please tell me what you can recall being said during the first time that you did it, if you are able to distinguish the different meetings, different conversations.

A. When I met with Chief Del Mese and Roel, it was usually in his office.

Q. "His," whose?

A. Chief Del Mese and the -- Mandoyan would come up as a topic because the sheriff wanted to hire him and then I would object and say, we can't do that, you know, we're doing a disservice to the Department, to the other 18,000 people in the Department, putting all this energy into one guy and, you know, there's just too many issues that still have to be looked at with Civil Service, about the panel that doesn't exist or, you know, the sheriff is still trying to create, because the panel was supposed to be comprised of Constitutional Policing Advisors, which we didn't have, they didn't exist yet. We were still in the process of trying to hire those. So we had this type of a discussion multiple times before and after he was hired back by the sheriff.

Q. There was no Constitutional Policing Advisor at the Department as of the time you began around December 3rd or 4th, 2018?

A. No, sir.

Q. Have you told me everything you can remember about this first communication you had with Chief Del Mese and Roel Garcia concerning whether the sheriff could return Mandoyan the way he wanted to do it?

A. Well, we had multiple conversations, generally that same gist of information, and it finally reached a point where myself and the chief, we both said, we're done. That's the sheriff's problem. We are out of the Mandoyan issue.

So we just were not involved in that hiring or ongoing issue with Mandoyan from that point forward. We just stopped. I had no more communication with it, other than the two times that I already mentioned about seeing the results of that alleged panel and this alleged settlement agreement that they were trying to push forward. Other than that, I was out of it.

I did not participate in the Mandoyan issue and I told the chief that, I told Roel and we both agreed that that was not our fight, that was the sheriff's fight.

Q. Have you now told me everything you can remember that was communicated in any of the meetings that you said you were -- or conversations that you had with Chief Del Mese and Roel Garcia, concerning whether the sheriff could return Mandoyan to work the way he wanted to do it?

A. I believe so.

Q. Have you now told me every -- anything you remember regarding what you learned about -- strike that.

Have you now told me all communications that you were present for, that you can remember, that concerned whether the sheriff could return Mandoyan to work the way he wanted to do it?

A. There were other discussions after he had already returned him, that involved that topic.

Q. Okay, we'll get to that in a minute.

Now, were you present at a meeting on or around December 13, 2018, in which the sheriff, Chief Del Mese, Chief Vera, Chief Gross and another officer named Irma Chevalier and Elizabeth Miller and Chris Keosian were present, at which the Mandoyan matter came up?

A. Yes.

Q. And that's a meeting that you haven't told me about so far, right? You haven't testified about that, have you?

A. No.

Q. Today?

A. No.

Q. All right. Tell me what you can remember from that meeting that was discussed concerning whether the sheriff could bring back Mandoyan.

A. I believe that's a meeting that we actually looked at the videotape involving Mandoyan, where he was allegedly at the girlfriend's house and he was trying to break into the sliding glass door.

We were being shown that by Chevalier as part of the case because I hadn't been involved in it or seen the case and I don't think the sheriff had seen all the information either, and we needed to get more of the information as to what some of the issues might be involved in bringing him back.

And so we were shown the video and I believe Chief Gross had already started looking at the case, because he made some comments that indicated that what was seen and what was testified to by Mandoyan, that he had not tried to break in, that he was only tapping the window, was validated by the -- by the video, and when he said that and I'm looking at the video, I had a lot of concern because what he said was that Mandoyan was only tapping on the window, trying to get her attention, as Mandoyan claimed, and I said, well, that doesn't fly with what we're looking at here. Here he's at the base of a sliding door, he's got a metal object and he's trying to pry the door open until -- and respond, when she finally confronts him at the door. He's lying.

So I just -- at that point I knew this was not

going to go good but that was -- the big topic was the video and what was present in the video. And it was a fairly short meeting. I don't believe it was much more than 20, 30 minutes, at the most.

Q. Was there any discussion at the meeting with Liz Miller and Chris Keosian about whether the sheriff could bring Mandoyan back?

MR. MILLER: This sounds like an attorney-client communication with County Counsel. Elizabeth Miller and Chris Keosian are members of County Counsel, so I'm going to instruct you not to answer that.

BY MR. GORDON:

Q. Was there any discussion by anyone about whether the sheriff had the authority to bring Mandoyan back?

MR. MILLER: Well, other than what he's already testified to? Because he's testified at length on that subject.

BY MR. GORDON:

Q. Was there any discussion at the December 13, 2018, meeting at which you were present, along with the sheriff, Chief Del Mese, Chief Vera, Chief Gross, Irma Chevalier, Liz Miller and Chris Keosian, about whether the sheriff had the power to bring Mandoyan back?

MR. MILLER: Okay, if these conversations included the County Counsel, they're attorney-client

privileged communications. The privilege is not waived by the County and the Board of Supervisors, who hold the privilege, and I will instruct you not to answer that question.

MR. GORDON: And you're marking all refuses to answer, correct?

Q. Have you now told me everything you can remember, that you're willing to tell me about the December 13th meeting at which the Mandoyan video, you said was shown?

A. I believe so.

Q. So now have you told me about all communications that you were present for prior to Mandoyan's return to duty, concerning whether the sheriff could bring Mandoyan back the way he wanted to do it?

A. You know, there may have been one or two others. I just tried to stay out of that arena, that topic. I didn't agree with what he was trying to do and we didn't have a mechanism in place, in my mind, to get that done.

So I just -- we may have had one or two other discussions with the sheriff and staff, but I can't tell you offhand. I just tried to stay away from that topic.

Q. So I'm just trying to confirm. You've told me everything you can remember, that you're not refusing to tell me based on privilege, about any communications that you were present for prior to Mandoyan being rehired,

about whether the sheriff could bring him back the way he wanted to do it?

A. And again, I don't know. There may have been one or two others, I just don't remember.

Q. Right.

A. Yeah.

Q. I'm just trying to confirm, you've told me everything you remember?

A. I remember, yes.

Q. Now, you told me that there were discussions, after Mandoyan was brought back, about his rehire or reinstatement, right?

A. Yes.

Q. How many times were you present for communications concerning Mandoyan's return to duty after he had been brought back as a deputy?

A. With who?

Q. With anybody. Approximately how many times are we talking about?

A. Probably a half dozen times with Chief Del Mese, Lieutenant Garcia, maybe some other folks in the office.

Q. Are you able to break those out, in terms of sequence?

A. No.

Q. All right. So all you can do with regard to

those maybe half a dozen times is tell me essentially things that were said during the entirety of those six or so meetings?

A. Yes.

Q. All right. Tell me what you can remember about what was said in those approximately six meetings concerning Mandoyan's return to duty.

A. My comments... were that, you know, I didn't understand how it could have been done because we didn't have a truth and reconciliation process or panel in place, we didn't have the Constitutional Police Advisors hired.

We had just started talking about hiring those.

And then when I did get an opportunity to see the paper that recommended that he be brought back, with the panel that was -- the paper was -- I think -- I'm not sure of the title, but the title did include "truth and reconciliation panel," which I thought strange because we didn't have that, we didn't have a process and it was I think paneled by or with Tim Murakami, Eli Vera, and Steve Gross, two chiefs and the assistant sheriff, which I didn't know it had happened until after the fact and I was -- when I had a chance to peruse it, because I didn't read anything in it, but my comment was well, you know, we're claiming -- or the sheriff is claiming that McDonnell was so against deputies that he was skewing all testimony and

information against deputy personnel so he could discipline or terminate them. I said, I'm looking at this piece of paper and we've done the exact opposite. We're skewing everything to bring this guy back, when it's not supported by what we saw in the video and the commentary that we're looking at on the video. So we've done the exact opposite of what he claimed McDonnell did.

It's not right.

Q. What do you mean, commentary on the video?

MR. MILLER: Let him finish his answer.

I think he was answering the question.

BY MR. GORDON:

Q. Were you still answering?

A. The commentary on the video where, you know, that he was just knocking on the window, when we're all looking at this video where he's at the base of this door, trying to pry it open with a metal object, and the commentary from the chief was, see, you know, he's just trying to knock on the door, like he said, and I said that's not supported by the video evidence that we have at all. We've just skewed it in our paper here to bring him back without having a fair and impartial view, in my opinion.

Q. So when you said commentary --

MR. MILLER: When you said -- wait one second -- you said "chief."

MR. GORDON: Let me just ask for clarification.

MR. MILLER: Did you mean Chief Gross?

Was that Chief Gross you were referring to?

THE WITNESS: Yes.

BY MR. GORDON:

Q. When you said commentary on the video, you mean to say commentary by someone in the room about the video?

A. About the video, yes, sir.

Q. There was no commentary going on during the video, on the video itself, right?

A. Oh, between Mandoyan and the ex-girlfriend inside the house, there was commentary.

Q. So that's what I'm just trying to get clear.

There were statements and dialogue going on between Mandoyan and the girlfriend on the video, right?

A. Yes.

Q. Is that what you mean by -- is that what you're talking about, commentary during the video?

A. No, I was referring to the commentary by Chief Gross about what was taking place.

Q. Did anyone respond to your expressed concern during the showing of the video that it appeared to contradict Mandoyan's explanation for what he was doing when he was at the base of the door -- the sliding glass door?

A. Well, Mandoyan had never acknowledged that he was at the base. He insisted that he was just tapping on the window.

Q. Let me rephrase my question.

MR. MILLER: Well, wait, wait, wait. He was answering your question. Let him finish before you --

BY MR. GORDON:

Q. Did I interrupt your answer?

A. No, go ahead.

Q. All right.

I'm going to rephrase my question, then.

Did anyone respond to your commentary about your view of the video, as it affected the discipline imposed on Mandoyan?

A. The responses that were very similar to mine, well, yeah, we don't understand it because we looked at the same video but, you know, this is what the panel came up with as their findings, after they reviewed it, and, you know, again, it was, well, who put this panel together?

And Chief Del Mese said, well, that was put together by the sheriff to look at the -- to review the Mandoyan case and see how he could be brought back.

I said, but we don't have a panel, we don't have a process. We're still trying to put that together and

we're still going to the OIG, we're still going to the COC, so how -- how could they even name it truth and reconciliation panel, when it doesn't exist? And the chief's response was they probably made a mistake in naming it. They should have called it something else but that's what they put on the... on the paper.

Q. And when you say "the chief," who are you referring to?

A. Chief Del Mese.

Q. Did anyone other than Chief Del Mese say anything about your stated position concerning the video, as it affected Mandoyan's discipline?

A. I think Lieutenant Garcia agreed with the chief and myself that what we were looking at in the video wasn't exactly what was being presented in that paper that came out of that panel.

Q. Can you tell me anything else you remember about any of the approximately half a dozen conversations you had with Chief Del Mese and Roel Garcia concerning your view of the sheriff's bringing Mandoyan back to duty?

A. No. It was part of those discussions, you know, the bringing him back was an issue, his position as a driver for the sheriff was, in my mind, and they agreed; horrible for the optics, that, you know, here we have the guy with the domestic violence issues, that the sheriff

has just brought back in as his personal driver. He shouldn't be there. We should put him in airport court or someplace out of public view, if he did bring him back and, you know, right or wrong, but he should not be working out of the office of the sheriff.

You know, there was that discussion.

There was discussion about his, you know, settlement agreement that Chief Vera had signed giving him two years' backpay, full reinstatement to his prior position, which I don't know how that was accomplished, given that he'd been gone more than the two years and he would have had to have been rehired and worked with POST and everything, and I addressed those concerns with the chief and with Roel and, you know, we were all in pretty much concurrence that, yeah, we don't know how this is going forward but, you know, this is what he wants to move forward. I said, well, I'm out of that. You know, that's... if you guys want to take that on, fine, but I am not in this Mandoyan game. So that -- that was part of, you know, those conversations.

And then subsequent to that and in that same time frame, we had -- were noticed by the Auditor-Controller that he was not going to pay Mandoyan because County Counsel's signature was not on the settlement agreement, and barring that, he didn't have the authority to pay.

And I had already voiced my concerns that, well, we -- we can't pay Mandoyan without County Counsel or Board's, you know, authority. Anything over 99,000, a hundred thousand dollars, the Board has to approve for any settlement agreements, and that I knew from my past history working as a chief aid or division aid in two different divisions, and as a commander, that, you know, if you're going to do something like that, the Board has to approve that.

So anything over a hundred thousand dollars, without the Board's concurrence or the County Counsel concurrence, the Auditor-Controller won't pay it and they don't have the authority to pay that.

And I said, you know, I don't know how we're going to do that but personnel, you know, has told us that the auditor's already said no, that he's not an employee.

And that's when I told Larry, we need to get him out of uniform, get his badge and gun away, get him out of that vehicle that the sheriff assigned to him because he's not a deputy sheriff, he's not an employee and he's impersonating a deputy by being out there, so we need to take those items of equipment away from him and if you guys don't want to do it, being the chief of staff and the sheriff's aid, I'll call him. I'll take care of it.

And Larry or Chief Del Mese said, well, I already

told the sheriff that we have to do something and he said, no, he wants him left alone.

I said, well, is he accepting that liability, then, on behalf of the Department and the County? Because you have a police imposter, basically, out there now, with no authority, not an employee, per the Auditor-Controller, in our County car. Who's accepting that liability?

I said, we can't do that. I'll call him in, I'll -- as I said, I'll ask him from the car, I'll take his badge and gun and Larry said no, you can't. The sheriff said leave him alone, he wants to keep him in place. That's it. All right. I'm out of it.

You guys handle it.

MR. MILLER: Excuse me, can I get that answer read back, please.

(Record played back.)

MR. MILLER: Thank you.

BY MR. GORDON:

Q. Did I understand you to say that you told them that any lawsuit over a hundred thousand -- with a settlement over a hundred thousand dollars, could not be entered into without Board of Supervisor or County Counsel approval?

A. That was my understanding, yes.

Q. And had you seen anything that caused you to

believe that was the County rule?

A. That was just my understanding from my years of experience on the Department and anything over a hundred thousand always had to go to the Board for approval, contractually or settlement agreements, from past practice.

Q. And did you -- had you seen settlement agreements under a hundred thousand dollars get entered into without Board of Supervisor or County Counsel approval?

MR. MILLER: Well, that's a compound question. Could you break it down?

BY MR. GORDON:

Q. Had you seen -- had you seen any settlement agreements calling for payment under a hundred thousand dollars, as having been entered into without Board of Supervisor approval?

A. Yes.

Q. Had you seen settlement agreements calling for payment by the Department of under a hundred thousand dollars be entered into without County Counsel approval?

A. Yes.

Q. Had you seen settlement agreements calling for payment by the Department of under a hundred thousand dollars be settled -- be entered into when there was no approval by either a Board of Supervisor or County

Counsel?

A. Yes.

Q. And were any of those settlements and lawsuits brought by deputies against the Department?

A. The ones that I saw were part of grievance or -- grievances or disciplinary issues.

Q. Can you remember anything else during any of the approximately half a dozen discussions you had with Chief Del Mese and Roel Garcia concerning the issue of whether the sheriff could do what he already did in the way he brought Mandoyan back?

A. Yeah, there was some concern by me as to why Eli Vera had signed the settlement agreement giving him two years' backpay and stuff, given that the ranking member on that panel was Tim Murakami, so I had an issue with that, and I think I even asked someone, can we undo this? And the response was well, we don't know because the chief signed it and Mandoyan signed it so we don't know, but that's something that is being looked at.

And then the issue of Mandoyan's status after the Auditor-Controller said, no, we can't do this, you know, the sheriff finally acquiesced and moved him out of the office and sent him home, but with his badge and gun and all the equipment of a deputy sheriff and his car, so he didn't remove any of the accoutrements of the position but

just sent him home and told him to stay there for awhile and, you know, eventually he brought him back to work again.

Q. Do you know what role Mandoyan filled after he was brought back to work following his time at home that you've just described?

A. Well, he was brought back to work and my understanding was that they put him back in the Sheriff's Office and he was driving him on occasion and would take him to different, you know, events as -- again, as the driver, but I haven't been back to actually see that myself, I've just been told that, you know, he's driving him again.

Q. And when did you hear that he was -- that Mandoyan was driving the sheriff after having been sent home by the sheriff previous?

A. Just recently there was a Contract Cities conference in Palm Springs that the sheriff attended and other Contract City officials, City managers, County people, and the comment was made and it was -- just -- and I can't even tell you specifically who said it because it was just out there, yeah, Carl's driving him. He showed up and he's even sitting at the table with Alex, you know, and kind of was talking about what a slap in the face to the City Contract, the Contract City people for him to

bring this guy back and then use him and sit him right at the main table.

Q. Did you see Mandoyan at this conference?

A. I did not see him, no, I was just told he was there.

Q. Have you now told me everything you can remember about the post-hiring conversations you were present for, concerning the return of Mandoyan to work the way the sheriff did it?

A. Yeah, I believe so. I mean, unless you have specific -- a specific question, I... I was gone shortly after that, so, you know, I don't know a lot of what's transpired since then.

Q. One of the other things you said you communicated regarding whether the sheriff could do something the way he wanted to do it was you said he couldn't establish the truth and reconciliation commission the way he wanted to do it. Did I understand that correctly?

A. Yes.

Q. When you gave me that list of about five things --

A. Yes.

Q. -- that you said you had told -- you had complained about or you had registered your objection or questioned about, I wrote down the second one, couldn't

establish truth and reconciliation commission, I think you said, in the way the sheriff wanted to do it.

A. Yes.

Q. All right. Tell me what you said concerning your expressed opinion that the sheriff couldn't establish the truth and reconciliation -- truth and reconciliation commission the way he wanted to do it?

A. He just wanted to establish a panel at his choice and name the people that were going to be on the panel and set up the framework for the panel, not involving anybody else, such as the OIG or the COC and I said, well, we can't do that. My understanding that any new panels or any -- any panels that we create like that have to have some input from the OIG and the COC. You know, we have to present it to them, let them look at it, get their concerns and then we can establish this, so that we're working collaboratively with them.

We can't just arbitrarily put this in place.

I said, well, you can but then you're going to get pushback from the OIG, you're going to get pushback from the COC, and why do you want to do that to yourself? It makes no sense. Just send it to them, get their concurrence, get their concerns. It will probably be a better outcome. So we did send that to the OIG and he sent it back.

Q. Who is the "he"?

A. The OIG, the Office of Inspector General, their office. I don't know -- Max Huntsman was out at the time. I believe Castro-Silva, now the interim inspector general.

They sent back some concerns and then we sent it to the Civilian Oversight Commission, but at the time that I left they had not given us their concerns back, although they did bring it up in an open forum meeting at the Commission. Then I was gone, so I don't know what happened after that.

Q. Now, were you aware whether County Counsel participated in this truth and reconciliation panel review of the Mandoyan matter?

A. I knew that the three panel members were there but I don't know who all the other participants were because the only thing I saw was that paper that said Murakami, Vera and Gross were the panel.

Q. So you don't know whether anyone from County Counsel attended that panel review meeting?

A. No, I don't.

Q. And when you expressed these concerns about whether the sheriff could establish a truth and reconciliation commission the way he wanted to do it, was that before the panel meeting in which recommendation was made to change findings in Mandoyan's discipline

histories?

A. I believe it was after.

MR. GORDON: Okay. I need to take a short break so I can either take a -- I can -- why don't we just take a couple minutes. I'll run to the bathroom, come right back.

THE VIDEOGRAPHER: One moment.

MR. MILLER: Why don't we just take a lunch break. How much longer do you have?

THE VIDEOGRAPHER: Do you want to go off?

MR. GORDON: Yeah. Hold on.

MR. MILLER: Yeah, we can go off the record.

THE VIDEOGRAPHER: Okay. We're off the record. The time is 12:08.

(Recess taken 12:08 p.m. - 1:11 p.m.)

THE VIDEOGRAPHER: And we're back on the record. The time is 1:11.

EXAMINATION (Resumed)

BY MR. GORDON:

Q. Did you ever put in any type of written form any objections you had to the manner in which the sheriff wanted to bring Mandoyan back?

A. No.

Q. Did you ever put in writing any objections you

had to the sheriff having brought Mandoyan back?

A. No.

Q. Are the same two answers true if I asked you if you put any concerns in writing?

A. My answer's the same.

Q. Are your answers the same if I substituted the word "questions" for "concerns" or "objections"?

A. Yes.

Q. So, so far as you know, did you ever put anything in writing expressing any view you had about Mandoyan's return or possible return to duty?

A. No.

Q. Have you remembered anything since we broke for lunch that would allow you to make a more complete answer now, than you provided before we broke?

MR. MILLER: You mean to any question?

MR. GORDON: To any question.

MR. MILLER: That's impossible. I object. That's overbroad, it's vague, it's ambiguous.

You can answer it, if you can.

BY MR. GORDON:

Q. Did anything pop into your mind that allowed you to remember, oh, I remember more than what I testified about as to something this morning?

A. No.

Q. And specifically, do you remember any -- did you remember anything, since we broke for lunch, about any aspect of the Mandoyan return to duty that you testified about this morning?

MR. MILLER: Same objection.

You can answer it, if you can.

THE WITNESS: No.

BY MR. GORDON:

Q. Have you now told me everything you can remember during those approximately -- strike that.

Have you now told me everything you can remember concerning any communications you had with anyone about whether -- your views concerning whether the sheriff could establish the truth and reconciliation commission as he wanted to do?

A. Yes.

Q. Have you told me everything you can remember about any communication you had with anyone concerning the ability of the sheriff to establish the truth and reconciliation commission, after he had done it?

A. When I left, he hadn't done it yet.

There was no panel when I left.

Q. Did you express any view at any time, that you haven't already told me, concerning the sheriff's establishment of a truth and reconciliation commission?

A. I think I've expressed everything.

Q. I'm just trying to confirm. You don't remember anything else than you've already told me --

A. Mm-hmm.

Q. -- about any views you had concerning the sheriff's conduct in that regard?

Now, I think the third thing that you said you expressed concern about with regard to the sheriff's plans was the promotional processes.

Did I understand that right?

A. Yes.

Q. Can you clarify what you mean by you expressed concerns about the sheriff's intentions regarding promotional processes?

A. He was creating arbitrary requirements to promote and place people to the next level. For example, for promotion to lieutenant or captain, he was now mandating that everybody have eight to ten years of patrol experience behind them before they would be considered for the position for, say, lieutenant or captain, and I told him, I said, where in the class specs or the job bulletin for that position does it say that? You're creating arbitrary requirements that aren't supported by either classification or job specs. You're going to get in trouble. Somebody's going to sue you. You can't just

arbitrarily change this.

There's a process to do that and we can get there and it may take two or three years to get there, but you can't just say, I'm not going to promote you because you don't have ten years on patrol or you don't have a combination of ten years either in supervisory position and capacity in custody and patrol. Those are arbitrary requirements and if you're basing your promotions on that, you're going to get sued. You don't need to do that.

Q. And did the sheriff provide any response to your expression of that concern?

A. Well, this is what I want to do. His response was, well, this is what I want to do. This is what I want people to have, when I'm looking at promoting them.

I said and that's okay, and four years, six years down the road, they may have that but if you do it right now, that is not a requirement. Show me where it says that's a requirement. It doesn't exist. You're creating arbitrary requirements that you're going to get in trouble for.

Q. Was it your belief that any requirements for a lieutenant or captain position, for example, had to be fully stated in some type of a written form?

A. Yeah. There's position job bulletins which we place, which we put out when we're announcing exams for

those positions, which dictate or state the requirements to promote to that next position. They're in the job bulletin that everybody has to look at and if they meet the requirements in that job bulletin, they can apply for the position and get promoted.

Also in the classification specifications which are a little more detailed and go into more of the job duties, which are vetted through Department of Human Resources, those also have to be complied with to be considered for that next level of promotion.

So any Civil Service protected position in the Department has those job specs and those job bulletins in place and if you meet those minimum requirements, you're eligible to promote to the next position.

Q. Do you know whether the sheriff made any ultimate determination on whether he was going to implement the minimum tenure in the positions you've referenced?

A. The minimum tenure in the position, per bulletin, was two years to move to be considered for the next position. He chose to ignore that and said, I want ten years.

Q. My -- were you finished? Were you finished?

A. Yes, go ahead.

Q. My question was, do you know whether he ever actually implemented his preference for a -- what did you

say? Ten-year --

A. Yes.

Q. -- minimum requirement?

A. Yes.

Q. Did he do that?

A. Yes.

Q. Did he do that while you were still serving as executive officer for the Department?

A. Yes.

Q. Did you have any conversation with anyone, after he implemented that rule, concerning your view of the propriety of that new rule?

A. I expressed it to him and I expressed it to our round table of executives that were looking at different people for consideration for patrol and that came up because if I'm going to look at lieutenants -- we had -- he had put out a survey where you had to check off the box as to how many years you had in your position if I want to promote to lieutenant. Okay, you're a sergeant. Where have you worked as a sergeant? How many years? What capacity? Was it on patrol? A line function? Was it a line function? If he didn't want -- he wasn't very -- or particularly fond of operational positions or administrative positions. Kind of discounted those.

So if I want to consider you for lieutenant as we

did in one of the lieutenant breakups -- actually lieutenant to captain, he said okay, well, these guys -- this is the okay pile and those are the people that checked off the boxes that met his new requirement that they had to have ten years in patrol, custody as line supervisors. So those were the okay stack.

The other stack was, oh, these guys don't have that requirement, so don't even consider them.

And I said, you can't do that. They meet the minimum requirement. That's why they're in -- they're on the list, they're in band one. You're arbitrary -- or you're arbitrarily excluding 60 percent of your candidates by saying that. I said, you're going to get sued.

And he said, no, they'll accept the position that they get because they're going to get promoted.

I said, Alex, there's a young Alex out there someplace that's going to sue you if you implement these and make these hardline requirements. So if all you can do is pick from the okay pile because they've checked off all your boxes, you're putting yourself at risk from these people who meet the minimum requirements of the position, as dictated by Civil Service and Department of Human Resources, by throwing them out and not considering them.

And that was in open forum, two assistant -- three assistant sheriffs, myself, some chiefs,

Chief Del Mese. That was all out there.

Q. And I might have misunderstood you.

Did you say the sheriff's rule was ten years in a supervisory position or ten years combined patrol and/or supervisory position in custody?

A. If I'm looking at you for captain, he wanted ten years as a lieutenant, combined of supervisory line experience as a patrol lieutenant and a custody lieutenant, and if you didn't have both capacities, he wasn't going to consider you.

Q. And what about consideration for someone looking to get promoted from sergeant to lieutenant?

A. He wanted at least four years as a supervisor out in patrol.

Q. Was that a typical path that people applying for lieutenants had on their record?

A. No. The minimum requirement was that you were the sergeant for two years and it could be in any capacity, either as an operational sergeant, a line sergeant, a custody sergeant, patrol sergeant, administrative sergeant, detective bureau sergeant -- as long as it was two years, you were eligible to compete for the position of lieutenant.

And then he arbitrarily imposed this four-year requirement as a sergeant to move up to lieutenant.

Q. As far as you know, did any lawsuits result from his implementation of this rule regarding requirements for being promoted to lieutenant or captain?

A. No.

Q. Have you told me everything you can now remember regarding any communications you had concerning your opinion regarding the way he wanted to change promotional processes?

A. Well, everything that I've just told you, and I also explained to him that we can get to where you want to get, but we're going to have to involve Department of Human Resources, we're going to have to involve our own personnel people, our classifications people.

The ten-year requirement that you're implementing, this mandated requirement that you have a higher degree, a Master's degree for captain or commander -- I don't remember which one it was for -- those can all get there but you're going to have to go to classification through Department of Human Resources and have those changes made, and eventually we'll get there and it's going to take time to get there and at the same time you're going to have to meet and confer with the unions because now you're affecting the working conditions that their employees are working under, which are your employees. So until you meet and confer, you can't

implement these kind of changes until you get their buy-off.

Q. Have you now told me everything you can remember about any communications you had concerning your view of the sheriff's plans for promotional processes?

A. Pretty comprehensive. I think so.

Q. I think the fourth thing that you said you expressed a concern about was the sheriff's plans for guidelines for classifications?

A. Yes, and that's part of the change of job requirements, the job spec requirements, where you're changing the classification requirements where we would have to go to Department of Human Resources, get their concurrence because in some cases it may have involved doing a reclassification study, which we -- and the Sheriff's Department does not do, that's done by the outside Department of Human Resources for the County.

When they come in, do an evaluation and a study of the position and if the changes that are being requested are appropriate, they'll agree to it, get concurrence from us, we'll have to go to the unions, get their concurrence also, then we can -- then it will be published by the County, here's the new job specifications for whatever position he's looking at changing.

And once the County publishes that and we can use

that and rely on that, then we can move forward with more promotions under the new class specs, under the new job bulletin, because that causes a change in the job bulletin. And it can be done but it takes time, it takes the process and it takes working with those outside of the Sheriff's Department entities.

Q. All right. Have you now told me everything that you can remember about any opinions you expressed concerning the sheriff's plans to modify the guidelines for classification?

A. Yes.

Q. I think the fifth thing that you mentioned that you expressed a concern about was that the sheriff had to work with different entities in the County.

Did I get that right?

A. Yes.

Q. What did you mean by that?

A. We're not an island unto -- the Sheriff's Department is not an island unto itself. There's rules and regulations, processes that are countywide, that we all have to abide by; fiscal processes, budget processes, County Counsel has their role.

We, as a Department, have to work with those different entities to do our job because we're a County family. We're not the Sheriff's Department and the

County.

So you have to -- we have to work with County Counsel, we have to work with the Department advocates, we have to work with the CEO's office for our budgeting and any changes, plans, proposals that we have, and we can't just arbitrarily say, just, you know, just do this.

Trying to reinforce the fact that we're not alone, we have to work with all these different entities.

And that didn't go well.

Q. And what do you mean, it didn't go well?

A. We started excluding those members of the other County families from different meetings. County Counsel was no longer allowed in meetings that, you know, they probably should have been there because they were taking actions that involved the Department and that would impact the County, and so the County Counsel was being excluded.

We would send recommendations to -- or requests through personnel at DHR, Department of Human Resources, and one of the concerns that I had expressed was that if we don't work with these people, they're going to slow you down. You're going to send a proposal or a request to them for a hiring or -- for a hiring of a person, and what used to take us two weeks is going to take you two to four months, and all of those things started to happen.

We would send a request over, we wouldn't hear

anything. They wouldn't return our calls, they wouldn't answer emails.

So the drawbacks of not doing that were that everything was being slowed down and what just exactly what I said was going happen to him and he was going to be -- you know, have a difficult time trying to move forward with things he wanted to do with like the hiring of a thousand deputies and, you know, promotion of other people.

Q. While you were serving as executive officer between early December 2018 and March 18th, 2019, were you aware of any requirement that deputies be on an eligibility list before they could be brought on to duty?

A. It's the only way you can be hired. You have to take a test, a written test, a written exam and if you pass that, you get put on the list to continue the process of hiring for deputy sheriff.

Q. And who maintained that list?

A. It was a combination of us and Department of Human Resources. They have to certify the testing.

Q. Was the test that you're talking about, a Civil Service administered test?

A. It's a Civil Service exam, yes.

Q. Was it a test designed solely for sworn peace officers for the Los Angeles Sheriff's Department?

A. Deputy sheriff, yes.

Q. Did the Sheriff's Department administer any test to prospective applicants for a deputy position with the Sheriff's Department that was different from the Civil Service administered test?

A. No, it's the same test.

Q. Other than the December 13, 2018, meeting that you testified about earlier in which Liz Miller and Chris Keosian and the sheriff and Chief Del Mese and Chief Vera and Steve Gross and Irma Chevalier were present at, did you attend any other meetings in which a County Counsel representative was present and the Mandoyan matter was discussed?

A. No.

Q. Were you employed in any job after your service with the Sheriff's Department terminated on March 18th, 2019?

A. Anywhere?

Q. Yeah, in any type of job which you were being paid for.

A. I worked a few events for APEX Security Group.

Q. And when you say you worked events, what do you mean?

A. APEX Security Group is the security group that represents -- that works at Ram games -- I think those are

the only games I worked at -- to provide any security within the stadium for a Ram game.

Q. Other than -- strike that.

And about how many events do you think you worked for APEX?

A. Maybe eight or nine.

Q. Other than performing services in a security capacity for APEX after you terminated your service at LASD on March 15th (sic), 2019, did you work in any other job?

A. No. I'm sorry, since March 18th, 2009 -- 2019?

Q. Yeah.

A. I haven't worked any job since I was terminated, no.

Q. So when were you working security jobs for APEX?

A. This was in September through October of 2018.

Q. Before you came back to the Department, while you were on disability or --

A. I was retired.

Q. -- while you had retired?

A. I was retired.

Q. During your period of retirement?

A. Yes.

Q. I'm sorry, what was the date of your retirement, originally?

A. March 18th.
Q. No, on disability.
A. Oh.
Q. Or strike that.
When did you retire, prior to coming back to the Department, what was the date of that?
A. February 27th, 2016.
Q. Who was the sheriff of LA County at the time that you retired from the Department in February of 2016?
A. Jim McDonnell.
Q. Now, were you involved in any way with overseeing any aspect of the disciplinary process under the McDonnell administration?
A. No, sir.
Q. Did you have any involvement at all with the disciplinary process under Jim McDonnell's administration?
A. No, sir.
Q. Are you familiar with any of the procedures that were used during the disciplinary process for LASD deputies under the McDonnell administration?
A. No.
Q. Are you familiar with any approval requirements that existed concerning the discipline of any deputy under the McDonnell administration?
A. I may or may not be. I don't know if they were

the same ones carried over from Lee Baca or if they were new under McDonnell.

MR. MILLER: The answer is, then, "I don't know."

THE WITNESS: I don't know.

BY MR. GORDON:

Q. Do you remember any of the approval requirements that existed concerning the discipline of deputies while you were at the Department working under Lee Baca?

A. Yes.

Q. What approval requirements are you familiar with that existed during the time you worked at the Department under Lee Baca?

MR. MILLER: This is getting pretty far afield.

I sure hope we're not going to take a lot of time with this. How many years ago was that?

THE WITNESS: Jim came on in '16. '14.

That's five, six years ago now. Maybe seven.

BY MR. GORDON:

Q. Okay. During that time can you list for me any requirement -- any approval requirements that you remember were in place?

A. For imposing discipline on a deputy sheriff?

Q. For the review of any discipline.

A. Yeah. It would be a process. The process would be the investigation was requested by either the captain

of the unit that the deputy was assigned to or by a division chief or by someone in that chain of command that recognized that there was an issue that needed to be addressed.

The investigation would be conducted either by a lieutenant or sergeant assigned to that unit assignment or by Internal Affairs Bureau.

Once the investigation was completed, depending on what the allegations were, the severity of potential discipline, it would either be reviewed by the captain of the unit, who had the discretionary ability to approve anywhere from zero to 15 days of time off, again, but with the concurrence of the chief, but he had the initial approval for that.

Anything that was going to require discipline of 16 days or more, or up to discharge, would require a division chief to make that determination and submit that to a case review panel.

And once the -- on the 16 to 20-day process, if the division chief deemed that, yeah, we're either going to give this guy 20, 25 days, 30 days, or we're going to discharge him, now it's going to be set for case review.

Case review was a panel that was chaired by the undersheriff or -- and two assistant sheriffs.

So any of those high day or discharge cases were

presented to case review. If the case review panel concurred with the division chief as to what he's recommending for discipline, then that chief would be told, okay, we agree, we concur with your proposed discipline.

A letter of intent would then be sent to the affected employee, letting him know that we're going to do 15, 20, 30 discharge days.

On a discharge case, the employee had the opportunity to request a Skelly hearing, which the chief could hold somewhere in the next 20 to 30 days or at the concurrence of the employee's attorneys or union representative.

At that point the employee had the opportunity to present facts that were not brought out before, that would change the chief's decision which had already been concurred with by the undersheriff and those two assistant sheriffs.

If the employee had a case and changed the mind of the chief, the chief would request further investigation by Internal Affairs or whoever the involved investigators were.

Then he was supposed to take it back to case review, present the new information to the undersheriff and two assistant sheriffs and give his reasoning as to

why the initial discipline, proposed discipline, was reached in error and we should now do this instead.

That was the process, you know, as it worked.

If it was discipline from zero to 15 days or one to 15 days, there would be a grievance that the employee would file and the grievance would then be handled by the initial captain at his level.

If he made changes, he would have to get concurrence with the chief. If he denied it, then it would go to the chief for the chief's approval to make any recommendations -- make any changes, and if the chief made changes, then there would be a new letter of intent sent to the employee and then that discipline would be imposed, after which --

Q. Okay, so let me just try and shorten it.

I should have been more specific, as far as discharge decisions. So you don't need to talk about the one to 15-day cases.

A. Okay.

Q. So can you just -- have you told me everything -- I think you had gotten to the one to 15.

Are you familiar -- can you finish your answer, focusing only on the discharge cases?

A. I think I gave you most of it.

On the discharge case it had to be taken to case

review undersheriff, two assistant sheriffs.

The chief would present the findings.

At that place and time we would also ask County Counsel to concur with this. County Counsel would say yea or we have some concerns but we've addressed them with the chief, and then we would also ask the Office of Inspector General, hey, do you concur with this or do you have some concerns that we haven't addressed?

When those two parties chimed in, then we would say, okay, as undersheriff or exec officer, we make a decision we concur with the chief's findings, go ahead and do a letter of imposition and, you know, move forward.

Q. And after the Department moved forward, they issued a letter of imposition and the person was discharged?

A. We would issue a letter of intent to the employee, telling him that it was the intent of the Department to discharge you from your employment of deputy sheriff. Upon receiving that, the employee had, I believe ten days, to request a Skelly hearing with the chief that had sent him that letter or, you know, start at the disciplinary process.

Usually the employee's representative or a union would file that, and then both parties would agree to a Skelly hearing and at that point the employee had the

opportunity to present any additional facts not brought into the case that would change or impact the decision that had been reached and concurred with.

If there was no change in the discipline or there was nothing he could bring forward that would change the chief's mind, the chief would say okay and then they would send the letter of imposition, telling the employee that on this date you'll be terminated, you'll be discharged from the Sheriff's Department.

Q. And then are you familiar with any approvals that had to be obtained to settle a dispute over discipline after the letter of imposition had been issued?

A. After the letter of imposition had been issued, the employee would be discharged and he would have to file an appeal through Civil Service, and then Civil Service would be the governing body at that point and the employee would have to, through his representatives, file the appeal in Civil Service and then that process would take place.

Q. Right. And what I'm asking you, are you familiar with any approvals that could be obtained to have LASD settle a dispute with a deputy over discipline that had been imposed during the time the case had already been filed in Civil Service?

MR. MILLER: If you know.

THE WITNESS: There -- there had been some cases where, because of the -- whatever the nature of the case was -- and I don't have a specific case to cite -- but if it looked like it was going to be a pretty long, drawn out thing and they could reach a common ground on the employee -- something else may have surfaced that we didn't know about initially -- but the employee's attorney could ask for a settlement in this process when it went to Civil Service and if the Department agreed, working through County Counsel, we would reach a settlement before it was fully adjudicated in the Civil Service Commission, yes.

BY MR. GORDON:

Q. Are you aware of any requirement, during the McDonnell administration, that someone from County Counsel personally had to sign an agreement settling a lawsuit brought by a deputy challenging discipline imposed on him?

A. I don't know.

Q. Are you aware of any requirement, during the McDonnell administration, that an attorney, a contract attorney acting at the direction of County Counsel, had to sign an agreement settling a lawsuit brought by a deputy challenging discipline imposed by the LASD?

A. I don't know.

Q. Are you aware of any requirement during the Baca administration that someone from County Counsel's office

had to sign an agreement settling a lawsuit brought by a deputy challenging his discipline?

A. Our practice in high dollar settlements or -- were that we would have to have County Counsel's concurrence with that, yes.

Q. That was the hundred thousand dollar plus requirement that you referenced previously?

A. Either a hundred thousand dollars or even in the 60, 70, 80,000, because those would still have to go to the claims Board for approval.

Q. What was the minimum amount that the Department could settle without having to get County Counsel or Board of Supervisors approval?

A. Somewhere between 10 and $20,000.

Q. What if no money was being paid?

A. I don't know.

Q. Now, do you know whether, other than Mandoyan, any cases were settled by the Department, by a deputy who had been disciplined during the time you were executive officer?

A. Disciplined during the time I was or...

Q. Let me rephrase the question.

Do you know of any settlements, during the time you were executive officer from December 3rd or 4th, 2018 to March 18, 2019, that were with a deputy who had been

discharged?

MR. MILLER: You're asking about other than Mandoyan?

MR. GORDON: Yeah, I think I said other than Mandoyan.

MR. MILLER: Other than Mandoyan's purported settlement that we contend was illegal?

MR. GORDON: Yeah, that's not a valid objection.

If you want to state a legal ground for an objection, Skip, do it. You shouldn't be telling your witness what to say, or giving him an idea.

State your legal ground for the objection.

MR. MILLER: I'm sorry if I upset you.

I didn't intend to. Calm down.

MR. GORDON: Do you think that was a legal ground for an objection?

MR. MILLER: Chill.

MR. GORDON: Skip? Do you? No.

How many years have you been doing this?

MR. MILLER: I gave you my --

BY MR. GORDON:

Q. All right, you can answer.

MR. MILLER: -- opinion. I hope -- I did it to try to move this along, to clarify that you were not asking about Mandoyan, and I did characterize our position

of Mandoyan. We think it was a blatantly illegal, unauthorized, ultra vires settlement.

MR. GORDON: Yeah, that's shocking.

I've never heard that before, but that's not a legal ground for an objection at a deposition.

MR. MILLER: All right, let's move on with the deposition, John.

BY MR. GORDON:

Q. All right. Can you answer my question?

A. I believe there were two others that I was made aware of, Deputy Gregory Rodriguez, who I believe he had been discharged, I'm not sure, because all I was shown was a settlement agreement.

There was a deputy at East LA station who was given six months backpay under the settlement agreement.

And then another deputy, a Deputy David Motts, who I believe had been discharged for domestic violence issues and was being brought back or was being considered for bringing back, I think that was -- both of those were by Chief Vera.

Q. And did you have any involvement in either of those?

A. No.

Q. How did you find out about them?

A. I got a call from personnel, asking if I was

aware of a six -- of the proposed six-month backpay settlement agreement that they were going to have to process through the Auditor-Controller and I said, I have no idea what you're talking about and that's when they sent me a copy and it said that we were bringing him back or reinstating him to his position as deputy sheriff and returning six-month or giving him six months backpay and we removed three charges of the two or -- no, that's Motts. We did something with the charges, but he was brought back and Chief Vera signed that.

And then in Motts' case, I believe that was a discharge and it had not been completed before I left, but I had voiced my objections to Assistant Sheriff Murakami about Motts because I had heard that that was being proposed, to return him to duty, because I had heard that they were going to remove three of the charges that he had been founded on and discharged on, which would have removed him from being one of the deputies whose cases could be disclosed under the AB 1421 new law, that three of those charges were going to be taken out, and I asked Murakami if he was aware of that case because this was going to hurt the sheriff and he needed to know about the case, and Murakami said he didn't know anything about it and I said, well, you need to find out more about this case before this moves forward because it's a domestic

violence issue. We're already dealing with Mandoyan. He does not need this, so can you find out?

And right after I had that discussion, I was terminated, so I have no idea what they did or if he was brought back or what.

MR. GORDON: So we'll designate as confidential, the testimony identifying by name the two deputies that he referenced in his answer.

Q. Are the two other settlements or proposed settlements that you've just testified about with deputies who had been disciplined, the only other settlements or proposed settlements you were aware of with discharged deputies besides Mandoyan, during the time you were executive officer? Strike that.

Let me rephrase the question.

Other than the two deputies you identified by name as being ones other than Mandoyan who you knew about settlements for, are there any other deputies that you remember having cases settled while you were executive officer?

A. There may have been one more deputy out in the Lancaster station area that had been discharged for excessive force. I don't remember -- recall seeing them, off the top of my head, but that was handled by -- through Assistant Sheriff Murakami's office also, and I don't

think that had been completed when I got terminated.

But that was a proposed return to duty also.

Q. Have you now told me everything you can remember about any involvement you had with any settlements with deputies who were challenging their discipline during the time you were executive officer, besides Mandoyan?

A. No. There were several smaller cases that were involving changes in discipline from three -- five to seven days, that were being dropped down to three or four days, and there were some small dollar amounts being considered.

Because when I had heard about the East LA case involving the six-month backpay, I called advocacy in our legislative unit and told them any significant dollar settlement agreements that are being proposed, unless I personally approve those, they are not to move forward.

And I said, we do not have a blank checkbook. We are not allowing this to go forward, so anything that's high dollar, I need to have my approval on that.

And I got a call within a week or two from a sergeant there saying, hey, I have these four cases. I said, well, what do they involve? Very small days, number of days or amount of money, and I said I'm okay with that.

That's our normal process. That's okay.

But any high-dollar amounts had to come to me,

and I never got one after that.

Q. And to be clear, if I limit my question to discharges, have you told me about all the settlements that you're aware of during the time you were executive officer: Mandoyan and one or both of the other two deputies you first referenced?

A. And the third one from Lancaster.

Q. And a third one from Lancaster?

A. Right.

Q. So four total?

A. That's all that I'm aware of.

Q. Have you now told me everything you remember about any role you might have played as executive officer in any approval of any of the settlements of those four cases?

A. Yes.

Q. And in your mind, did you give your approval to the settlement of any of the four cases involving discharge that you've referenced: Mandoyan, the other two, and the one from Lancaster?

MR. MILLER: So we're -- just for the record, Rodriguez, Motts, the Lancaster deputy, and Mandoyan, did you give your approval?

THE WITNESS: No.

MR. GORDON: And again, I would move to deem

confidential, the reference to the individual deputies' names.

MR. MILLER: I have no problem with that, by the way. Confidential -- confidentiality, if it's required by law, we agree to it.

THE WITNESS: Absolutely.

BY MR. GORDON:

Q. Is it your understanding that there is a confidentiality requirement regarding identification of discipline matters?

A. Personnel records, sure.

Q. Have you told me everything you're aware of concerning the -- any official procedures there were for rehiring or reinstating a deputy who had been discharged by the Department during the McDonnell administration?

A. I didn't know anything about that.

Q. Have you told me anything you know about the official procedures that govern the rehiring or reinstatement of a deputy who was discharged -- strike that.

Have you told me any official procedures you're aware of in place during the Villanueva administration, that governed the rehiring or reinstatement of a deputy who had been discharged?

A. Yes.

Q. Are you aware of the McDonnell administration ever rehiring a deputy who had been previously discharged?

A. I don't know.

Q. Do you know whether the McDonnell administration ever reinstated a deputy who had been discharged by the Department?

A. I don't know.

Q. Have you ever held any personal views about Deputy Mandoyan's discharge -- strike that.

Have you -- strike that.

Am I correct in understanding you had no involvement whatsoever in the discharge of Mandoyan?

MR. MILLER: You mean in 2016?

BY MR. GORDON:

Q. Yeah, the discharge, and any stage of the process.

A. No, sir.

Q. Did you even know the name "Mandoyan"?

A. No, sir.

Q. When is the first time you even heard the name "Carl Mandoyan"?

A. November of 2018.

Q. And how did you hear about Carl Mandoyan in November of 2018?

A. I had attended a meeting with the sheriff on --

to address his transition team, and he introduced Carl as someone who had worked with him on his campaign.

Q. And did you learn any of the facts surrounding his discharge, prior to the time you became executive officer?

A. No, sir.

Q. Did you know, prior to the time you became executive officer, that Carl Mandoyan had been discharged?

A. No, sir.

Q. Did you ever hold any personal views about the sheriff's decision to return Carl Mandoyan to duty as an LASD deputy, that you haven't already expressed in this deposition?

A. No.

Q. Have you had any personal views about Carl Mandoyan's discharge from LASD that you haven't already expressed during this deposition?

A. Yes.

Q. I'm sorry, you do have other views that you haven't expressed. What other views haven't you expressed during this deposition, about the decision to discharge Carl Mandoyan?

A. And again, I did not get into all the facts of the case because I tried to stay out of that arena, but it's my own belief that he was -- his case was adjudicated

and imposed under McDonnell's tenure. It went to Civil Service. Civil Service is notoriously in favor of the employee, and Civil Service upheld the discharge against Mandoyan, which to me speaks volumes about the credibility of the case that the Department presented.

So my personal opinion is that if he was discharged and they went to Civil Service and the entire Commission upheld the Commission -- or the hearing officer's findings, then there's probably a lot of credibility and a lot of truth to what was presented.

So I couldn't understand why we were taking on this battle. It just didn't make any sense to me.

Q. Do you know approximately what percentage of discharge decisions get overruled by the Civil Service Commission for deputies?

A. I don't offhand. I don't know what they are.

Q. Do you have any idea what they are?

A. Overruled?

Q. Right.

A. In the deputy's favor?

Q. Yes.

A. And just taking a guess, when I was back full-time --

MR. MILLER: Don't guess. Don't speculate.

If you have knowledge, say so.

THE WITNESS: I don't know.
MR. MILLER: Don't guess.
BY MR. GORDON:
Q. So do you have any idea --
A. No, not now.
Q. -- other than a pure guess?
A. Other than a pure guess now, no.
MR. MILLER: Witnesses tend to start guessing when they get tired in the afternoon.
THE WITNESS: My apologies.
MR. MILLER: Don't do that.
BY MR. GORDON:
Q. Well, you can guess, so long as I ask you for a guess and you tell me, "All I'm doing is guessing."
MR. MILLER: I don't agree with that.
MR. GORDON: Well, we have a difference of opinion.
MR. MILLER: We definitely have a difference of opinion.
BY MR. GORDON:
Q. You understand that if I ask you, even after you say you don't know, can you guess, can you give me any idea, that I'm asking you only for a guess or an idea, rather than actual knowledge. Do you understand that?
MR. MILLER: And I'm telling you not to do it. I

don't want you to speculate. He told you that at the beginning, and I agree with him about that.

So let's go on.

MR. GORDON: I actually did not give him an instruction on speculation. Look at the record. And as a matter of -- well, I don't need to argue with you.

Q. Do you have any negative feelings towards Alex Villanueva as a result of your experience with him in 2018 to 2019?

A. No.

Q. Have you had any negative feelings toward Alex Villanueva regarding your dealings with him in 2018 or 2019?

A. No.

Q. Have you ever expressed any negative feelings towards Alex Villanueva since December of 2018?

A. Him personally?

Q. Yes.

A. No.

Q. Him as the sheriff of Los Angeles County?

MR. MILLER: Well, he's testified at length about his views of how he was operating. You don't want him to go back over that, do you? Objection, overbroad, asked and answered extensively, for hours.

BY MR. GORDON:

Q. Other than -- other than anything you've testified about today, have you had any negative feelings about Alex Villanueva, that you've expressed to anybody?

A. No.

Q. Did you ever hear anyone assert that James McDonnell's decision on discipline of a particular LASD officer was based in some way on the officer's lack of support from McDonnell, the sheriff?

A. No.

Q. Is this the first time you've ever heard that allegation?

A. From you.

Q. In my question?

A. Yes.

Q. Did you ever learn of anything that caused you to suspect that Jim McDonnell's decision on discipline of a particular officer might be based in some way on the officer's feelings towards McDonnell?

A. No.

MR. GORDON: I'm handing the reporter to mark as Exhibit 4, a document entitled Respondent's/Defendant's Sheriff Alex Villanueva and Los Angeles County Sheriff's Department Notice of Deposition of Raymond Leyva.

(Exhibit 4 marked.)

BY MR. GORDON:

Q. Would you look at that and go to Exhibit 1, about halfway through, where it's a deposition subpoena.

Look about halfway through the document.

MR. MILLER: Excuse me, can we go off the record for one second, please? Hello?

THE VIDEOGRAPHER: We're off the record. The time is 2:02. This will be the end of Disc No. 2 of the deposition of Mr. Raymond Leyva.

(Recess taken 2:02 p.m. - 2:08 p.m.)

THE VIDEOGRAPHER: And we're back on the record.

The time is 2:08. This is Disc No. 3 of the deposition of Mr. Raymond Leyva.

BY MR. GORDON:

Q. Is this a copy of the deposition subpoena that was served on you?

A. Yes.

Q. Now, originally it called for you to appear on May 31st. Do you see that?

A. Yes, sir.

Q. But ultimately, after various events, it was agreed you'd appear today, right?

A. Yes, sir.

Q. Now, after you got the subpoena, did you look through the subpoena to review the requests for documents 1 through 42 that are included in the subpoena?

A. Yes, I did.

Q. What, if anything, did you do to search for any of the 42 categories of documents demanded by the deposition subpoena?

A. Well, I didn't do much of anything. When I left the Department, I walked out with nothing.

Q. So as of today, you have no documents responsive to any of the 42 categories in your deposition subpoena; is that correct?

A. That's correct.

Q. Since the time you walked out of the Department on March 18th, 2019, did you ever have in your possession, custody or control, any of the documents described in requests for production 1 through 42?

A. No, sir.

Q. And when I say "documents," I'm referring to either paper documents or documents stored electronically.

You understood that, right?

A. Yes, sir.

Q. Since... strike that.

From the time that you were told on March 18th by Sheriff Villanueva that he was removing you as executive officer, until the time that you literally walked out of the building, how much time do you think passed?

A. An hour.

Q. And during that one hour, can you remember what, if anything, you did?

A. Yes.

Q. What did you do during that one hour?

A. I shook his hand, I shook Larry Del Mese's hand, I congratulated Tim Murakami, who happened to walk into that meeting right before or right after Alex told me I was being replaced, congratulated him.

I walked out, told his lieutenant aid that I had just been fired. I went to my office and in the office, Assistant Sheriff Gutierrez and Olmsted were waiting, because we normally would have a 10:00 o'clock meeting before we met with Alex at 11:00. They both happened to be there, so I walked into the office, I closed the door and I said, I just want to let you know that I've been fired and I'll be leaving as soon as I can get my stuff together, and I got a blanket, a couple of coffee cups that I had and told them what had transpired, exactly as I told you earlier.

They were shocked, to say the least. And I said, you know, there's nothing else for me to do here, so you guys, you know, take care of the troops.

I walked out, told my secretary, hey, I've just been fired, I'm leaving. Told my aid, I've been fired, I'm leaving. Bob Olmsted -- and I said, but I will need a

ride home, since you're keeping the car, and Bob Olmsted and my aid walked me down to the car and my aid gave me a ride home and that was it.

Q. So did you leave the Department with any LASD records of any sort?

A. No, sir.

Q. And during the -- after you were told that you were being replaced, did you transfer any LASD records?

A. No, sir.

Q. Are you withholding any records called for by requests for production 1 through 42, based on any objection to any of those requests?

A. No, sir.

Q. Have you ever learned of any evidence that supported -- strike that.

Have you ever learned of any evidence not in Carl Mandoyan's personnel file that supported his defense to any of the allegations that you understood he was found to have been guilty of?

A. No.

Q. Have you ever heard of an LASD deputy named Lisa Richardson?

A. No.

Q. Have you heard of LASD sergeant whose last name is Ram, R-A-M?

A. No.

Q. Did you have any involvement at all in the Sheriff's -- Sheriff's Department's litigation of Mandoyan's writ petition proceedings in Superior Court concerning his discharge?

A. No, sir.

Q. Were you aware that Mandoyan had writ petition proceedings ongoing in Superior Court, at any time while you were the executive officer?

A. No, sir.

Q. Did you ever discuss with anyone why you weren't a participant in the truth and reconciliation commission panel review of Carl Mandoyan's discharge?

A. I believe I discussed it with Chief Del Mese after I had heard about it and I went down and asked him, when did this happen? That was about it.

Q. And what did he say?

A. He said it's a sheriff's panel.

He had him do it.

Q. Did you and Del Mese discuss anything else, besides what you've just told me?

A. No. I just shook my head and walked away.

Q. Why did you shake your head?

A. Because it went contrary to everything I'd been saying, that this was not an appropriate action to be

taking.

Q. Is that the only discussion you ever had with anyone about why you weren't a participant in the truth and reconciliation panel review of Mandoyan's discharge?

A. I may have talked to the three assistant sheriffs when we had our Monday morning meeting, asking them if they were aware of it, but that would have been about it.

Q. Are you aware of any other facts concerning Carl Mandoyan being returned to duty, that you haven't already testified about today?

A. No.

Q. Do you know whether, prior to the return of Carl Mandoyan to duty by LASD, anyone employed by the Board of Supervisors learned of a desire by Sheriff Villanueva to return him to duty?

A. I don't know if they did or not.

I mean, it was in the papers.

Q. Had you read in the papers about the sheriff's desire to bring Mandoyan back to duty, prior to the time it occurred?

A. I don't know the time frame.

I know I read about it.

Q. Do you know whether anyone employed by the executive officer of the Board of Supervisors learned, before Mandoyan's return to duty, that the sheriff wanted

to have him return to duty?

A. I don't know.

Q. Same question for the Office of Inspector General.

A. I don't know if they did or not.

Q. Same question for the Office of County Counsel.

A. I don't know.

Q. Same question for the Board of Supervisors.

A. I don't know.

Q. Now, before -- strike that.

Between the time -- between the time that you returned to the Department on or about December 3rd or 4th, 2018, and the last day of your employment on March 18th, 2019, did you ever communicate with Maya Lau of the LA Times?

A. I talked to her a couple of times during that stretch of time.

Q. On either occasion did you discuss any aspect of the Mandoyan matter?

A. No.

Q. What was the subject of the first communication you had with Maya Lau at the time you were executive officer under Sheriff Villanueva?

A. I believe she called to congratulate me and wanted to know how I felt about being the new undersheriff

for the Department, and just a social, how are you doing? How do you like it? How is it going?

I said, you know, it's exciting, I'm very excited about it, I think I can do good things and, you know, looking forward to working with Alex.

Q. And when, approximately, was this?

A. Probably within the week of coming into the Department.

Q. Have you told me everything you now remember that was said during that conversation?

A. Yeah, pretty much.

Q. When was the second time you spoke to Maya Lau while you were executive officer?

A. Maybe two, three weeks later -- well, maybe even longer than that, maybe a month into that, in January sometime.

Q. How did that -- how did the communication originate?

A. She called the office.

Q. Did you speak with her?

A. Very briefly.

Q. About what?

A. She wanted to know about Carl Mandoyan and I told her. I said, I don't know. I can't talk about that. You're going to have to talk to the sheriff.

Q. Any other discussion with her during that second call?

A. That was all she wanted to know and I wasn't answering anything.

Q. As executive officer, did you discuss the Mandoyan matter with any representative of any media source? Besides what you've just testified concerning a brief conversation with Maya Lau?

A. I stayed out of that arena. No, sir.

Q. So the -- so the answer is no?

A. No.

Q. During the time you were executive officer, did you talk to any member of the media concerning Alex Villanueva, other than the references that you made to him during your two calls with Maya Lau?

A. I may have talked to Celeste Fremon from Witness LA. I tried not to talk to the media.

That was our information bureau's job.

Q. When you say you might have talked to her, what makes you think you did talk to her?

A. Well, I know I talked to her when I got fired. She wanted to know what was going on. And I told her the same thing I told you and Maya, you know, I said he's going to replace me, I thanked him for the opportunity, wished him the best and walked out.

Q. So if you did have a conversation with Maya Lau after you were discharged -- after you were fired --

A. Right.

Q. -- in which you said basically what you just said --

A. Yes.

Q. -- was that a third --

A. I mean that was a third one.

Q. But that was after you were no longer executive officer, right?

A. Yes.

Q. All right. Other than talking to Celeste Fremon of Witness LA and Maya Lau, did you speak to any other member of the media, after you were fired, concerning Alex Villanueva?

A. No, sir.

Q. Did you communicate, in your mind, indirectly with a member of the media through anyone else about Alex Villanueva, after you were terminated?

A. No, sir.

Q. After you were no longer executive officer, did you intentionally convey to the media any information about Carl Mandoyan?

A. No.

Q. Have you told me everything -- strike that.

Other than what you've already told me during the deposition today, did you ever communicate with any representative of County Counsel about the Mandoyan -- any aspect of the Mandoyan matter?

MR. MILLER: Objection. Attorney-client privilege. Instruct you not to answer.

MR. GORDON: So to be clear, I will break that down so I have a clear record of what the refusal is.

Q. During the time you were executive officer, did you speak with anyone representing County Counsel's Office about the Mandoyan matter, other than what you've already testified about today?

MR. MILLER: Objection. Attorney-client privilege, instruct you not to answer.

BY MR. GORDON:

Q. After the time you walked out of the Sheriff's Department on March 18, 2019, did you ever speak with anyone from County Counsel about the Mandoyan matter?

A. After I walked out? No.

Q. Did you ever communicate indirectly with County Counsel after -- strike that.

After you were no longer an employee of LASD, did you speak with anyone representing County Counsel about the Mandoyan matter?

A. No.

Q. And did you communicate -- to be clear, did you communicate indirectly with anyone from the County Counsel's Office?

A. No.

Q. After -- strike that.

During the time you were executive officer, other than what you've already testified about today, did you ever communicate with anyone from the Office of Inspector General about the Mandoyan matter?

A. No.

Q. After you left the Department on March 18, 2019, did you ever speak with anyone representing the Office of Inspector General about the Mandoyan matter?

A. No.

Q. Did you ever indirectly communicate with anyone you understood to represent the Office of Inspector General about the Mandoyan matter, after you left the Sheriff's Department?

A. No.

Q. During the time you were executive officer, did you ever communicate with anyone you understood to be representing or participating in the Civilian Oversight Commission?

A. Did I ever talk to anyone?

Q. Concerning Mandoyan.

A. I may have talked to the chair about it.
Q. Under what circumstance -- strike that.
About when did you speak with the chair of the COC regarding the Mandoyan matter?
MR. MILLER: Don't guess or speculate. If you remember, great. If not, you don't.
THE WITNESS: I believe it was at the January COC meeting, Civilian Oversight Commission meeting.
BY MR. GORDON:
Q. And was that -- strike that.
Was anyone else from the Sheriff's Department present at that meeting, besides you?
A. My aid was in the audience.
Q. And what was your aid's name, again?
A. Dominic Valencia. And I don't know.
I think there were a couple deputies there but I don't know who they were.
Q. Was that a publicly open meeting?
A. Yes, sir.
Q. What, if anything, did you say during that meeting about the Mandoyan matter?
A. During the meeting, nothing.
Q. After the meeting or before the meeting, did you speak with the chair of the commission about the Mandoyan matter?

A. She asked me about it and I talked to her about it.

Q. Is that before the meeting?

A. Before the meeting.

Q. How long did that communication take?

A. About 30 seconds.

Q. What did she ask?

A. She said, what's going on with this Mandoyan character that your sheriff's trying to hire or hired back? I said Ms. Higgins, I can't talk to you about that because I wasn't involved in it. You're going to have to speak to the sheriff.

Q. Is that the sum and substance of everything you said?

A. That was the sum and substance of everything I talked about.

Q. During the time you were executive officer, did you ever communicate directly or indirectly with anyone from the Board of Supervisors about the Mandoyan matter?

A. No.

Q. After you were no longer executive officer, did you ever communicate directly or indirectly with the Board of Supervisors about the Mandoyan matter?

A. No.

Q. And you understood my question, when I referenced

the Board of Supervisors, to mean the Board of Supervisors or their staff or any of their agents, right?

A. Yes.

Q. And when I asked you questions about communications with the OIG, did you understand my questions to include the OIG or any employees of the OIG?

A. Yes.

Q. And same as to County Counsel, right?

A. Yes.

Q. After you -- strike that.

During the time you were executive officer, did you cause to be provided to anyone affiliated with OIG, any document concerning the Mandoyan matter?

A. No.

Q. After you left the Department, did you?

A. No.

Q. Same questions as to the Board of Supervisors.

A. No.

Q. Is your answer no as to both?

A. To both, no.

Q. Same as to County Counsel, no as to both?

A. Yes and no.

Q. Tell me what the "yes" -- tell me what the "yes" part is.

MR. MILLER: Wait, wait. Let's not infringe on

attorney-client privilege here. The question was did you give any document. You said yes.

Now, if you get into what you gave, what and so forth, that sounds like attorney-client privilege. I don't want you going there, so I would object on that basis and instruct you not to answer, then.

BY MR. GORDON:

Q. How many documents did you give to anyone representing the County Counsel concerning the Mandoyan matter, while you were executive officer?

MR. MILLER: Same instructions -- same objection, same instruction. I don't think that's fair game at all.

MR. GORDON: It doesn't disclose any communication, but we'll take that up later. All right.

Q. How many times did you give a document -- one or more documents to County Counsel concerning the Mandoyan matter, while you were still executive officer?

A. Once.

Q. And with regard to that one time you gave one or more documents to County Counsel while you were executive officer, did you clear that with anyone from the Department, before doing it?

A. No.

Q. Did you intentionally try to keep secret your providing of that document to County Counsel?

A. No.

Q. Did you make any record of providing the document to County Counsel?

A. No.

Q. Did you reveal to anyone at the Department, at any time, that you had given the document to County Counsel?

MR. MILLER: You know what I'd like to do? This involves privilege. I'd like to take a short break and talk to my client about the nature of the privilege and because I don't really -- I'm not sure what's going on here and... take a short break in that regard.

THE VIDEOGRAPHER: Off the record, Counsel?

MR. GORDON: All right.

MR. MILLER: Per your instructions.

THE VIDEOGRAPHER: We're off the record.

The time is 2:30.

(Recess taken 2:30 p.m. - 2:32 p.m.)

THE VIDEOGRAPHER: And we're back on the record.

The time is 2:32.

MR. MILLER: Okay, off the record -- I want to just say for the record, I went off the record, talked to my client. Definitely privileged. My objection, instruction, were well taken, as usual, and they stand.

MR. GORDON: All right. We just said off the

record, so was that on the record or off the record?

THE VIDEOGRAPHER: I said we're on the record.

MR. GORDON: Okay, all right.

MR. MILLER: We're good.

MR. GORDON: Just to be clear, so that it's clear what's, quote, on the record, can you repeat the last question?

(Record played back.)

THE VIDEOGRAPHER: Yes.

MR. GORDON: That was the last question?

THE VIDEOGRAPHER: Yeah, that was the last question.

MR. MILLER: And I objected on privilege and I ascertained that it is definitely -- this whole thing is privileged. These are communications with County Counsel while he was executive officer/undersheriff.

BY MR. GORDON:

Q. Why did you send the document to County Counsel, while you were executive officer, that you have refused to identify?

MR. MILLER: Objection. Attorney-client privilege. Instruct you not to answer that question, please.

BY MR. GORDON:

Q. Did you believe at the time you were -- you sent

the document to County Counsel that you've refused to identify, that you were doing so in order to reflect negatively on the sheriff, Alex Villanueva?

A. No.

Q. Did you believe that you were doing something to support the sheriff, Alex Villanueva, in sending the document to County Counsel that you refuse to identify?

A. Yes.

Q. Who was it at County Counsel's Office you sent the document to?

MR. MILLER: Un, wait, wait.

MR. GORDON: That's privileged?

MR. MILLER: I'm thinking about it, John. Relax. You can answer the question.

THE WITNESS: Rick Brouwer.

BY MR. GORDON:

Q. And what caused you to send the document to Rick Brouwer, as opposed to anyone else at the County Counsel's Office?

MR. MILLER: I think we're now getting into attorney-client privileged communications, "what caused you," and I instruct you not to answer that, please.

BY MR. GORDON:

Q. Do you know what -- do you know whether anyone at the Sheriff's Department ever learned about you sending

the document to County Counsel, that you've refused to identify?

MR. MILLER: He's not refusing. He's refusing only because I'm objecting and instructing him, otherwise he's been extremely cooperative with all of your questions.

BY MR. GORDON:

Q. You can answer my question.

A. Do I know if anybody found out?

Q. Right.

A. Yes.

Q. Who found out?

A. Chief Matt Burson.

Q. And when do you know that Chief Matt Burson found out?

A. Because he's the person I called and asked for the document from.

Q. Did you tell him why you wanted the document?

A. Yes.

Q. What did you tell him?

A. That I wanted the counsel because I needed it -- or the information because I needed to have it reviewed and looked at.

Q. And when was this?

A. Probably February, middle February.

Q. So you told Matt Burson you were going to send the document to County Counsel?

A. Yes.

Q. Did Matt Burson say anything about that?

A. No.

Q. So the document that you sent to County Counsel was a preexisting document that was not created, to your knowledge, for the purpose of communicating information to County Counsel; is that right?

A. That's right.

Q. It was a Sheriff's Department document --

A. Yes.

Q. -- that already existed before you ever called Matt Burson; is that right?

A. Yes.

MR. GORDON: And you're still asserting privilege over the communication of that document to County Counsel; is that correct?

MR. MILLER: Yeah.

MR. GORDON: All right.

MR. MILLER: I mean, look, look, I --

MR. GORDON: Why you think a preexisting LASD document becomes privileged as a result of simply communicating to County Counsel, you take --

MR. MILLER: Just wait a second. Wait a second.

I was starting to talk. I just don't want to waive any privilege here, any communications between Mr. Leyva and County Counsel. That's all I care about.

MR. GORDON: Preexisting.

MR. MILLER: Otherwise, I don't care.

If you want to ask him what the document was he got from Burson, I don't care.

BY MR. GORDON:

Q. What document did you obtain from --

MR. MILLER: And by the way, thank you for me giving you a good question.

BY MR. GORDON:

Q. What document did you obtain from Matt Burson?

A. The Mandoyan IAB case file.

Q. And so by sending that to County Counsel, you believed that you were supporting Sheriff Villanueva's position?

A. Yes.

Q. Why did you think you were supporting his position by sending to County Counsel -- Deputy County Counsel Rick Brouwer, the Mandoyan discipline case file?

A. Because of the years of experience that I had working with him in his role as our advocate, our advocate general in the litigation advocacy side of the Department, I thought he would be able to help us in the situation.

Q. Why did you think he would be able to help you? Before I ask you that question, who do you mean by "us"?

A. The Department, Alex.

Q. Why did you think that sending him the IAB case file on Mandoyan was going to help the Department?

MR. MILLER: We're getting close to privilege now.

BY MR. GORDON:

Q. I'm asking what you thought in your own mind, not what anyone told you.

MR. MILLER: Okay, go ahead and answer it.

THE WITNESS: That if there was anything at all that was positive, that could be helpful to Alex to get him out of the mess that he had gotten himself into, that because of the years of experience and knowledge we had in place, that we might be able to find something that would give him a way out.

BY MR. GORDON:

Q. Is that the entirety of your reasoning at the time?

A. Yes.

Q. Other than the one document that you obtained from Matt Burson that you provided to County Counsel, did you provide to anyone else outside the Los Angeles Sheriff's Department any document concerning Carl

Mandoyan?

A. No, sir.

Q. Did you provide any explanation to Matt Burson at the time for why you wanted the Mandoyan IAB file?

A. Just what I told you, that if there was any way that we could find something that would help get Alex out of the mess he was in, we might be able to do it.

Q. So you explained that to Matt Burson at the time you asked for the file?

A. Yes.

Q. Have you ever testified as a witness at a trial?

A. Yes.

Q. About how many times?

A. A hundred or more.

Q. How many of those hundred or more times were criminal cases?

A. Probably 85, 90.

Q. How many -- and of the remaining cases, what type of cases were they? Generally speaking.

A. Just violations of State law, burglaries, robberies, child abuse.

Q. I think you misunderstood my question or maybe I misstated it. Other than the 85 or so times that were criminal cases, what were the other types of cases, generally, that you testified about? In?

MR. MILLER: He's answering your question.

He said child abuse --

MR. GORDON: Well, that's a criminal case.

THE WITNESS: That's a criminal case. But some civil cases. And I'm putting together civil depositions at the same time -- together, and I probably shouldn't.

BY MR. GORDON:

Q. Okay, all right.

For a clearer record, I'm just trying to determine the times you've testified as a witness at a trial, and you said over a hundred times, probably.

A. Mm-hmm.

Q. And you think about 85 percent of the time it was a straight criminal case, right?

A. Mm-hmm.

Q. And then of the other time -- other type, some were civil cases, right?

A. Yes.

Q. Were any administrative-type cases that had a hearing?

A. A Civil Service Commission, yes.

Q. About how many times did you do that?

A. Half dozen.

Q. And of the civil cases, can you break them out for me generally what types of cases they were?

A. On the disciplinary cases at the Civil Service Commission were use of force, general behavior. Those were the -- those were the main ones, yeah. And then through another civil trial was a use of force case in federal court.

Q. What was your role as a witness in that case?

A. Just as a witness.

Q. A percipient witness?

A. Yes.

Q. Have you ever served as an expert witness?

A. Yes.

Q. How many times have you done that?

A. Half-dozen times.

Q. How long ago were those cases?

A. Oh, 30 years ago, 35 years ago.

Q. What type of expert did you testify as in those cases?

A. Narcotics investigator.

Q. In each one of them?

A. Yes.

Q. Other than serving as a narcotics investigator testifying about narcotics-related issues as an expert, did you ever serve as an expert witness?

A. No.

Q. And apart from the two times that I think you

spoke with Mr. Miller's colleagues in connection with preparing for this deposition, have you been interviewed by anyone in connection with any LASD matter, since you left the Department on March 15th?

A. March 18th.

Q. March 18th.

A. No.

Q. Now, other than what you've already testified about today, did you learn of anything else that Sheriff Villanueva did, that you consider to be inappropriate?

A. From what source, along what lines? From the Department? From the newspapers? Where?

Q. Right. Excluding anything you may have heard from newspapers, did you ever learn of anything -- have you learned of anything else that you consider Alex Villanueva to have done, that you consider to be inappropriate?

A. No.

Q. So you didn't hear that he cheated on his income tax or robbed 7-11s, anything?

A. No.

MR. MILLER: He said something pretty bizarre yesterday. I don't know if you caught that.

BY MR. GORDON:

Q. Now, other than anything by Alex Villanueva, have

you learned of any conduct by any of his senior executive staff that you consider to be inappropriate?

A. No.

Q. Now, did you attend a Board of Supervisors meeting along with Sheriff Villanueva and Assistant Sheriff Tim Murakami and Lieutenant Sergio Escobedo?

A. When and...

Q. January of 2019 Board of Supervisors meeting.

A. Yes.

Q. Were you sitting in the gallery, as opposed to up with --

MR. MILLER: Excuse me for a minute. Was this an open public meeting or was it a closed session?

THE WITNESS: Open public meeting.

MR. MILLER: You can testify to open public meeting. Closed session, with attorneys there, different story.

BY MR. GORDON:

Q. Were you sitting in the gallery at the time with Tim Murakami and Sergio Escobedo?

A. I thought I was. I thought Tim was up front with Alex, and I was in the back.

Q. So your recollection is that Assistant Sheriff Murakami was with Sheriff Villanueva at the front?

A. Yes.

Q. Who were you sitting next to?
A. I don't know.
Q. Do you remember whether Sheriff Villanueva made any comment to the Board concerning Carl Mandoyan, during that hearing you were attending?
A. I'd have to look at the transcripts of the Board. I don't know.
Q. Do you remember snickering at any comment that Sheriff Villanueva made to the Board of Supervisors at a late January 2019 meeting in which you were sitting in the gallery?
MR. MILLER: Snickering?
MR. GORDON: Snickering.
THE WITNESS: No.
BY MR. GORDON:
Q. Do you remember audibly expressing some disapproval of a meeting -- of a comment that Alex Villanueva made at a late January 2019 Board of Supervisors meeting while you were sitting in the gallery?
A. No.
Q. Did Sheriff Villanueva make any comment at a late January 2019 Board of Supervisors meeting that you thought was worthy of your disapproval?
A. I don't know.
I don't know what the comments were.

Q. You don't remember him making any comments, as you sit here today, that you thought were worth your disapproval; is that right?

A. I don't remember the comments, no.

Q. In connection with your work for APEX -- strike that.

The last time you worked for APEX was before you returned to the Department in December of 2018; is that right?

A. Yes.

Q. Now, you referenced earlier a communication that you had with Celeste Fremon of Witness LA.

A. Yes.

Q. What's your understanding of what Witness LA is?

A. It's a -- I guess a internet podcast, I guess you would call it.

Q. Is it a website that people -- that it has articles posted on it?

A. Yes.

Q. And people can comment on articles?

A. Yes.

Q. Now, have you posted messages on Witness LA using the title or name "25 Cents More"?

A. No.

Q. Have you posted any messages on Witness LA at any

time using a title or a name other than your own?

A. I don't know how to post on Witness LA.

Q. Have you ever directed anyone to post a message on Witness LA for you?

A. No.

Q. Now, the first quarter 2019 while you were executive officer, did you do anything to facilitate the promotion of Sandra Solis to the position of director of bureau operations for Los Angeles Sheriff's Department?

A. I went to the sheriff and asked if we could put her and John McBride as co-captain/co-director of the Personnel Bureau because we needed to get our office and affairs in order and we needed to start hiring a thousand deputies to make things work.

So I asked him to allow us, in conjunction with Larry Del Mese, who was with me when we made the pitch, if it would be okay for him -- with him if we put the two of them in place. John would be central to recruitment, pre-employment and backgrounds, and Sandra would run the rest of the Personnel Bureau until we got things up and running, and then we would consolidate the two factions again. And that was on a Wednesday afternoon.

He said okay and we put the teletype out that John and Sandra Solis would be acting director and acting captain on Friday afternoon.

Q. When was this?

A. Whatever the week before they got made actors. I don't know. It was in January, maybe. Maybe December.

I don't know.

Q. So you asked -- you're saying you asked the sheriff, in front of Larry Del Mese, right?

A. With Larry Del Mese.

Q. Larry Del Mese was also making the request?

A. Yes.

Q. Was anyone else present during that communication?

A. The sheriff, Larry and myself.

MR. GORDON: I'm handing the reporter to mark as Exhibit 5, a document, two pages, dated March 5th, 2019, addressed to Maryanne, M-A-R-Y-A-N-N-E; Keehn, K-E-E-H-N, from Ray Leyva, Undersheriff.

(Exhibit 5 marked.)

BY MR. GORDON:

Q. Do you recognize --

MR. MILLER: What does this have to do with the case?

BY MR. GORDON:

Q. Do you recognize this letter?

MR. MILLER: Wait, wait, objection.

What does this have to do with our case?

MR. GORDON: Is your objection relevance?

MR. MILLER: Yeah. It's irrelevant, it's not relevant to the subject matter of the case. It's not reasonably calculated to lead to the discovery of admissible evidence, and it appears to pertain to -- it appears to contain confidential personnel information about law enforcement officers. I'm going to object to its use without some kind of an offer of proof from you, and I'm going to instruct him not to answer it unless there's some showing that it has something to do with this case and it's not violative of the law.

BY MR. GORDON:

Q. Do you recognize this letter?

A. Yes.

MR. GORDON: Okay, I'll also move to designate this as confidential.

MR. MILLER: Yeah, but you didn't answer the other part of my question.

BY MR. GORDON:

Q. Is this a letter that you signed in order to have Sandra Solis promoted to a higher rank?

MR. MILLER: I'm going to object. I'm going to tell you -- I'm going to instruct you not to answer this, based on relevancy and harassment. I don't know what's going -- I don't know Sandra Solis, I don't know that she

has any connection whatsoever to the Mandoyan case, and I'm shutting down this whole line of inquiry unless and until -- and I'm trying to be reasonable -- you make some kind of an offer of proof, John, that this has something to do with the Mandoyan case.

I've given you very wide latitude, I haven't made these kinds of objections at all, but this looks like it's completely irrelevant. As far as I know, Sandra Solis is still an employee of the LA County Sheriff's Department, and I'm not going to allow him to answer questions about her and drag her into the case unless there's some showing that it's related to Mandoyan.

BY MR. GORDON:

Q. At the time you signed the March 5th, 2019, letter requesting Ms. Solis's promotion, did you have any type of relationship with Ms. Solis, other than simply co-workers for LASD?

MR. MILLER: Same instruction -- same objection, same instruction. And that's also harassing, it's unbecoming, it's unnecessary, and I'm going to ask you to stop doing that. Next question.

BY MR. GORDON:

Q. Did you ever have any discussion with Alex Villanueva or any of his senior executives regarding your request that -- strike that.

Did you seek any approval to have this particular letter sent on behalf of Sandra Solis's promotion?

MR. MILLER: Same objection that I made a few minutes ago. Same instruction.

BY MR. GORDON:

Q. Now, when you were brought back to the Department as executive officer, did you attempt to create a new position for yourself titled Chief Deputy Sheriff?

A. Sheriff? No.

Q. Did you attempt to create a new position for yourself titled Chief Deputy?

A. Yes.

Q. What was the official formal title you were trying to create for yourself?

A. It was Chief Deputy/Undersheriff.

Q. And what was your purpose in doing that?

A. So we could formalize the usage of the "undersheriff" title.

Q. Are you saying that there was no formal title "undersheriff" at the time you were trying to do this?

A. Not for a civilian position, no.

MR. GORDON: I'm asking the reporter to mark as Exhibit 6, a two-page unsigned letter dated February 5th, 2019, to Ms. Sachi Hamai --

MR. MILLER: Can I have a copy?

MR. GORDON: -- from Alex Villanueva.

(Exhibit 6 marked.)

MR. MILLER: Can I read it for a minute, please?

Okay, you can go ahead and ask about this letter.

It's background information, I guess.

BY MR. GORDON:

Q. Did you cause the unsigned letter marked Exhibit 5 (sic) to be prepared?

A. Yes.

Q. Why?

A. Well, as it explains in the letter, the initial appointment to the executive officer was let's get this done, let's get him in place, and once we're in place, then we can create this position that more appropriately would pay for the second in command for the Sheriff's Department.

So to do that and still comply with my disability requirements, we needed to created a chief deputy/undersheriff spot that was a civilian in nature, not having any safety implications at all.

So we created this letter which complied with the PREPA requirements, with the LACERA requirements, and we sent it to the sheriff for his review or his approval in moving it forward.

Q. Now, when you say "we," who is the "we"?

A. Well, just me.

Q. Are you saying you sent a copy of the proposed letter dated February 5th, 2019, to the sheriff before it was sent out?

A. It was never sent out, to my knowledge.

Q. Who did you send it to in order to run it by the sheriff?

A. I had it created, I had talked to Chief Del Mese about it, that this was what I was doing to, as we had talked about before the election, once we got in place.

And then once this letter was created, I gave it to my secretary and I said, hey, can you take this down to Alex, see if he can get it -- if he'll sign it, and if he's not around, if he'll agree to an auto sign and if not, we'll just wait and see what happens.

And then I would go back periodically every couple of weeks, hey, has Alex still got that letter? Is he going to move forward on it? What are we going to do?

Q. Who are you saying you would go to to ask if Alex still had your proposed letter?

A. The Lieutenant Garcia who was in charge of the correspondence that was necessary for signature from Alex, what they called the blue folder, and Larry Del Mese, both.

Q. What was the blue folder?

A. I don't know. It was just stuff that they gave him, they said, well, it's in his blue folder, he's got it. Okay. Just a manila folder.

Q. Was the blue folder, documents that were for the sheriff's personal review and hard signature?

A. If that was in there, I would assume so.

Q. No, was that your purpose in order -- was your purpose to send him this proposed letter for his personal review before it got sent to --

A. Oh, absolutely.

Q. -- the chief executive officer of Los Angeles County?

A. Absolutely.

Q. Did you ever personally discuss with the sheriff, the preparation of this letter?

A. I talked to him about the letter and I even asked him, subsequent to that, hey, how are we doing -- or do you still have the letter? And his response was, yeah, I've still got it, I'm still looking at it. Okay.

Q. Did you explain which letter you were referring to?

A. Yes.

Q. What letter did you tell him you were referring to?

A. About creating the chief deputy spot.

Q. Did he say -- ever say anything to you about creation of a chief deputy spot?

A. As to... well, when...

Q. Before you sent him this letter, had you had any discussions with him about creation of a spot called chief deputy?

A. Yes.

Q. When did you first discuss that with him?

A. Oh, probably within the first four to five weeks.

Q. Of?

A. Coming into office, say late -- end of December, early January, because as the letter explained, we initially put me on the executive assistant position because that was vacant and they could get me working right away, and then the intent was to create a executive level position, commensurate with creating a number two spot on the civilian side that would be appropriate for the Sheriff's Department, to match what the chief deputy was at the DA's office, the Public Defender's Office, that were all civilian positions. So it was -- we talked about it and we started putting the letter together.

Q. Whose idea was it to create the position?

As far as you know.

A. Probably both of us because we had talked about salary placement and because of the position that we had

to use. They wanted to use that executive assistant for something else so, well, then we need to create something to put me on, to get me off of the executive assistant.

Q. Do you know approximately how much more in compensation a year the undersheriff or the chief deputy position you were trying to create would pay, than the executive officer position you held?

A. It would be closer to -- I was -- under the executive assistant position, I was being paid $11,000 a month, I believe. 10, 11. And the undersheriff funded item which would be used to pay for this, was, un, I think at 28,000 a month, but given the restrictions of PEPRA, we would never reach that dollar amount.

It would be closer to 22,000 a month.

Q. And what did you say? PEPRO?

A. Public Employees Pension Reform Act. We just used that item as the funding source to create it. I mean, it could have been any salary range but we identified it as the funding source for the new item, no impact to the Department. Because it was already a budgeted item, we were just going to use it to fund a civilian chief deputy/undersheriff item.

Q. Did you believe that there was any conflict between the position you held and your prior retirement on disability?

A. No. We vetted that before we took the position.
Q. When you say "we," who is the "we"?
A. Well, I had -- I questioned LACERA and -- to make sure that the position I was placed in did not conflict with any of my disability requirements and that it did not conflict with State law.
Q. And did anyone communicate with you that there would be no conflict?
A. LACERA. LACERA sent the Department a letter saying that they were -- there was no conflict with the position, which is why we moved forward.
Q. Did you ever cause the February 5th proposed letter that you had prepared for Alex Villanueva, addressed to Ms. Sachi Hamai, to be placed in the auto signature file --
A. No, sir.
Q. -- for the sheriff?
A. No, sir.
Q. Did you ever say anything to anyone suggesting that that's what you were proposing be done, that it be put in an auto signature file?
A. When I initially asked my secretary to take it down, told her to take it down to Alex, if he's available, and then see if he can sign it or if he'll approve having it auto signed. If not, we'll wait for him.

That was the one and only time I ever said that.

Q. The only time you ever referenced auto signature?

A. Yes, sir.

Q. Who was your secretary?

A. Un, Dana Giambalvo.

Q. I'm sorry, who?

A. Dana Giambalvo.

Q. Can you spell that?

A. G-I-A-M-B-A-L-V, like victor, O.

Q. Did you believe, at the time you submitted this letter for transmission, signature and transmission to Sachi Hamai, that it was a type of letter that Sheriff Villanueva would personally want to review?

A. He should review that. We're creating a very high-level executive position in the Department.

That's why we sent it to him.

Q. You say "we." Who is the "we"?

A. I just use "we" as me. That's why it was sent to the sheriff for his signature and review. We can't do something like that without the sheriff's authority.

Q. Did you communicate with Lieutenant Shawn Kehoe in any way about submission of a request by the sheriff to the CEO of LA County for creation of this new chief deputy position?

A. Yes.

Q. When did you do that?

A. During the time that we were preparing the letter.

Q. What communications did you have with Lieutenant Kehoe about submitting this request to the chief executive officer, Ms. Hamai?

A. I wanted -- I asked him to review this, to make sure that we were in compliance with existing State law and the LACERA requirement over my disability retirement, and that the verbiage in this did not conflict with that, because we wanted to remain in compliance with State law and we wanted to make sure that when and if, by transition over to this position, we didn't do anything to violate what the LACERA Board had already said was -- were appropriate duties for my position.

MR. GORDON: Let's take a quick comfort break.

MR. MILLER: Okay.

THE VIDEOGRAPHER: One moment, please.

MR. MILLER: Off the record.

THE VIDEOGRAPHER: We are off the record. The time is 3:07. This will be the end of Disc No. 3 of the video deposition of Mr. Raymond Leyva.

(Recess taken 3:07 p.m. - 3:13 p.m.)

THE VIDEOGRAPHER: And we're back on the record.

The time is 3:13. This will be Disc No. 4 of the

video deposition of Mr. Raymond Leyva.

MR. GORDON: I'm handing to the reporter to mark as Exhibit 7, a two-page email chain, the top email being from Shawn R. Kehoe on February 5th, 2019, to Rhonda L. Hennessy, H-E-N-N-E-S-S-Y.

(Exhibit 7 marked.)

BY MR. GORDON:

Q. Would you take a look at that document, please?

A. Okay.

Q. Did you ever see any of these emails before I just showed them to you?

A. No.

Q. Going back to the first email at 12:52 p.m. on page 2, did you ever learn from anyone that any letter sent -- had been sent from the Personnel Administration Bureau to the CEO, requesting the undersheriff administration position?

A. No.

Q. And then on page 1, the bottom email from Shawn Kehoe on February 5th at 3:48 p.m. to Rhonda L. Hennessy --

MR. MILLER: Excuse me for interrupting you, this looks like a personnel -- where is it? These look like personnel issues and you're not designating them confidential. Is there a reason why?

MR. GORDON: No, I am going to designate them confidential, as soon as we finish this line of questioning.

MR. MILLER: Oh, okay.

MR. GORDON: If you want me to do it in the line of questioning at the end, that's fine too.

MR. MILLER: I think you should do it --

MR. GORDON: I would designate this entire line of questioning about Exhibit 7 as confidential, and if --

MR. MILLER: And I think 5 and 6, Exhibits 5 and 6, are personnel.

I think you should designate those too.

MR. GORDON: Well, I did.

MR. MILLER: If you're going to comply with the law.

MR. GORDON: Well, I did designate -- didn't I designate 5 as confidential?

MR. MILLER: No, I don't think so.

MR. GORDON: I believe I did but -- I believe I did but to be clear, of course 5 should be deemed designated confidential, 6 should be designated confidential, and 7 should be designated confidential.

MR. MILLER: Okay. And we agree because these are, you know, sheriff personnel-related documents, and I agree with that.

MR. GORDON: And the testimony concerning each of these three exhibits should also be deemed designated confidential.

MR. MILLER: Fine.

BY MR. GORDON:

Q. With regard to the email from Shawn Kehoe that I was just asking about on the bottom of page 1, do you know where the job duties he referenced there came from, advising the sheriff on administrative, legislative and operational matters, overseeing Department activities, using good judgment, and some driving?

A. The job duties? They were the exact same job duties we listed on the executive assistant position, which complied with State law and with LACERA requirements and with County requirements for bringing me back as a 120-day rehire.

MR. GORDON: All right.

I have no further questions at this time.

MR. MILLER: All right. Well, I have a few.

You've done a very thorough job as usual, John, so I'll try not to be repetitive, just to clarify some of the points that you raised.

THE VIDEOGRAPHER: Do you want to change seats?

MR. MILLER: No, we can just stay here.

I'm not going to take that much.

EXAMINATION

BY MR. MILLER:

Q. Mr. Gordon -- Mr. Leyva, Mr. Gordon asked you about any negative feelings that you had toward Alex Villanueva, and you said no. My question to you is did you support his -- initially, at least, support his -- and throughout the campaign, his election, his campaign and election for sheriff?

A. Yes, I did. In fact, I even --

MR. GORDON: Sorry.

MR. MILLER: You don't sound good, John.

MR. GORDON: Yeah.

MR. MILLER: I'll make this brief.

MR. GORDON: Taking Cold-Eeze.

Sorry about that.

THE WITNESS: Yes, I did.

In fact, I believe I was the first person to write a check to fund his campaign in '17, maybe.

BY MR. MILLER:

Q. You testified at length about the -- I think we called it the sheriff's panel or the truth and reconciliation panel wasn't properly formed or constituted by the time you left. Do you recall that testimony?

A. Yes.

Q. Could you explain what you meant by that?

A. They had used the title that a panel previously used when they reviewed the Mandoyan or created a decision to bring Mandoyan back to the Department, they used that title, but that panel had not been created or approved by the Department, the unions, OIG, COC or anybody because we had -- the only thing we had done up to the time and prior to my being terminated was that we had sent a draft policy to OIG and COC saying, this is what we think we're going to do, as far as creating the truth and reconciliation panel.

We sent that document, it was a one-page policy statement, to OIG and they responded with some concerns but we never got a response from COC.

At the COC hearing, I believe in January -- and I don't know which one it was -- they raised that issue and expressed a number of concerns, and I thanked them for bringing that out but I reminded them that we had sent them that policy and asked for their concerns so that we could take it back, revise it, review it and then send them what we would hope to be a final version so that we could move forward with creating the panel.

I don't know what happened after that because I was terminated, so...

Q. So you were terminated on March 18th, 2019,

correct?

A. Right. And there was still no panel created at the time that I left.

Q. Okay. So to the extent a, quote, group -- I think it was -- you testified it was Tim Murakami, Eli Vera and some chief named Gross -- what was his first name?

A. Steve. Steve Gross.

Q. Steve Gross. To the extent they met on or about December 21, 2018, and purported to be the truth and reconciliation panel and then subsequently, about a week later on December 28th, if I remember correctly -- is that right? On December 28th, 2019, rendered a report of this panel, this panel, as such, was not the panel that you contemplated would be finally approved and set up as a proper process; is that correct?

MR. GORDON: Objection. Leading.

THE WITNESS: That's correct.

BY MR. MILLER:

Q. Can you explain why?

A. Because the truth and reconciliation panel, as we had talked about and I had talked about with the sheriff, was to be comprised of a member from County Counsel, which is why I was trying to bring Deputy County Counsel Rick Brouwer back, to be part of that constitutional advisory

panel or part of the truth and reconciliation panel, and then we were supposed to hire two Constitutional Policing Advisors which the Board was funding and wanted us to have. So that was the intent.

The panel was to be two CPAs, County Counsel, and then whatever staff they needed to be their investigative arm to do the follow-up and research on cases that the sheriff, or whoever he designated, decided needed to be reviewed again.

Q. Did you have discussions along those lines with Alex Villanueva?

A. Yes.

Q. Did you have discussions along those lines with other high-ranking people around him?

A. Yes.

Q. What are their names?

A. Assistant Sheriff Gutierrez, Assistant Sheriff Olmsted, Chief Del Mese, Lieutenant Garcia, County Counsel Rick Brouwer.

Q. My question to you, in those discussions with Chief -- with Sheriff Alex Villanueva, did Mr. Villanueva ever say no, Ray, we're not doing it that way, we're doing it my way, or did he go along -- was he agreeable to the way you proposed -- you thought it was going to be done?

MR. GORDON: Objection. Compound.

BY MR. MILLER:

Q. What was his response to those discussions?

MR. GORDON: Objection. Vague and ambiguous.

THE WITNESS: When we talked about the Constitutional Policing Advisors being involved, he initially had wanted to get rid of them and not hire them at all, and I objected to that, telling him -- and which he ultimately agreed to -- that he needed those two positions as CPAs because that allowed him to create the commission and the panel that he wanted to, to review the cases that he would look at, because they were also positions that the Board had been highly supportive of and funded, and if he kept those positions in place, it would curry favor with the Board and it would help them deal with and accept whatever the outcomes were going to be coming, because those were positions that they wanted and they supported and funded.

And I cautioned him that by completely removing those, it hurt him. So after much discussion he probably said, yeah, okay, you're right. Create the process and let's get those people hired. So we did and we put a job bulletin out. We got 30-some applications. We interviewed six or eight applicants and he made a decision to hire Georgina Dunne and Phil Argento to be the two CPAs.

BY MR. MILLER:

Q. The Constitutional Policing --

A. The Constitutional Policing Advisors.

Q. -- Advisors?

A. And that was probably two weeks, three weeks before I left, we finally got that process and interviews completed and he said, yeah, let's hire her, let's look at hiring him. And I had already been able to bring Rick Brouwer back, and had him in place to be part of that commission, part of that panel, to make sure that we were complying with policy and procedures to keep the sheriff out of trouble.

Q. Now, were you going to be on this panel?

A. No. That was an independent panel and then those -- their results -- and we were still trying to flesh it out as to once they came up with their review and their discussions, who were they going to take it to to make a decision as to what you're going to do with these deputies or anybody that was going to have to be considered for rehire.

My recommendation had been that it go to case review, which would have been then I would have been part of the deciding team as the executive officer/undersheriff, with two assistant sheriffs reviewing their decisions and either concurring or naying

and moving forward.

Q. Now, when you say Rick Brouwer, he was from County Counsel?

A. Deputy County Counsel, yes, or senior principal.

Q. And then you gave us the names of the two Constitutional Policing Advisors.

Who else did you discuss with Alex Villanueva being on this truth and reconciliation panel, as you've described it? Being a member of the panel?

A. As to who the party would be that would be on the panel --

Q. Yes.

A. -- with the sheriff, with Chief Del Mese?

Because he -- the three of us sat in on the interviews with the candidates. Lieutenant Garcia, because he was there recording what we were doing, but we were the interview panel.

Q. Who else would sit on the panel, besides the two CPAs, the -- Rick Brouwer from County Counsel's Office, would that be the composition of the panel?

A. That would be the truth and reconciliation panel.

Q. Got it. And that's something that, in your discussions with Alex Villanueva, he agreed to?

A. Yes.

Q. And by the time you left on March 18th, 2019, had

that panel been implemented?

A. No.

Q. Do you know if it was ever implemented?

A. No, I don't.

Q. So what was this group or panel or whatever you wanted to call it that met on December 21 and then rendered some kind of a document on December 28, 2018, regarding the reinstatement of Mr. Mandoyan, how would you characterize that entity or that thing, whatever it was?

A. It was a misnamed panel of three people that the sheriff said, go take a look at this case and tell me what you think we should do.

Q. Was --

A. But it was misnamed.

Q. Was it a panel that was selected by Alex Villanueva?

A. Yes.

Q. Did you know about it beforehand?

A. No.

Q. Before -- when did you find out about it?

A. After I found out Mandoyan had been hired and that this panel had met and made this decision.

Q. So sometime after the new year?

A. Probably the first week of January.

Q. Were you surprised?

A. Very much so.
Q. Why?
A. It went against everything we had been talking about; myself, Del Mese, Eli, the assistant sheriffs, it went against everything we had talked about, dealing with Mandoyan, and then created this panel without my involvement at all, even though I'm responsible for the Professional Standards Division, which is our criminals, our IAB, our risk management, our litigation advocacy group, I'm -- it just made no sense. I was -- I was actually stunned that it happened.
Q. Okay, all right. And you mentioned case review, and I want to just ask about discharge cases.
I don't want to ask about suspension cases.
What is the role of the case review -- what is case review, in regard to discharge cases?
A. Once the chief has made a decision that the employee who has been charged with policy violations should be discharged, after he reviews all the written investigators' information, he makes a recommendation for discharge. That is then presented to case review, which is the undersheriff and two assistant sheriffs.
The chief presents the facts of the case as he believes them to be or based on the investigation that he has and makes his recommendation for discharge.

I -- the case review panel has had the opportunity to look at the information before going in, so that we're familiar with the case as he's presenting it.

He makes the recommendation.

If we agree with him, we say, okay, we agree, but before we would make that announcement, we would look at County Counsel: County Counsel, do you have any objections to this? Are we following our past practice? And they would say yes or well, we had some issues but we resolved it or well, we think you still need to do this and ask for further investigation, and then we would look at the Office of Inspector General who is also overseeing our investigations and administrative investigations and I would ask County or OIG, are you good with this?

And they would say yea or nay again.

And then if it was a yea from both sides, okay, we concur with the recommendation, we would sign a letter saying that the case review panel has met, we concur with the division chief's recommendation for discharge, you know, and then give it to our IAB or actually our advocacy folks to prepare a letter of imposition or letter of intent or letter -- it would have been a letter of imposition at that point, to be sent to the employee.

Q. Okay. My question to you is this -- I'll call this the case review --

A. Process.
Q. -- process. Can I call it that?
A. Yes.
Q. How long has this case review process been in effect at the Sheriff's Department, with regard to discharge of deputy sheriffs? How many years?
A. God. The whole time I was on, from '81, until the time that I left in '16, and then when I came back in December, it was still in place because I was now the chair of that case review committee.
Q. Was this case review process, was this an important process internally for the sheriff?
A. Absolutely. You're --
Q. Why?
A. -- impacting the lives of our personnel, yeah.
Q. My question to you is during your time between late 2018 and when you were fired by Alex Villanueva on March 18th, 2019, to your knowledge did Alex Mandoyan (sic) go through this important, longstanding case review panel process at all?
A. No.
Q. Well, why not? Do you know why not?
A. I do not know.
Q. Well, who made the decision, to your knowledge, about reinstating Alex Mandoyan, based on everything you

know?

A. The sheriff.

Q. Do you know when he made that decision?

A. I would have to say the week after he received the --

Q. My question is do you --

MR. GORDON: Hold on. You interrupted his answer in the middle of his answer.

MR. MILLER: I did.

Q. My question is don't speculate -- I've told you this before --

MR. GORDON: That's not appropriate, to interrupt him in the middle of the sentence to tell him to not speculate. You can object after he -- you can object and ask to move as nonresponsive -- object as nonresponsive but you don't stop a witness in the middle of his answer.

MR. MILLER: I apologize, I didn't mean to interrupt you and I'm sorry, Counsel.

Q. But I don't want you to speculate, you know.

I can say that to you. You're my client.

Do you know when Alex Villanueva made the decision to bring his driver, Mandoyan, back into the Department, reinstate him, pay him two-plus years of -- two-and-a-half years of backpay?

A. No.

Q. Okay, that's fair enough. I just wanted to know if you had anything to do --

MR. GORDON: What a remarkable change in his answer.

MR. MILLER: Now you're doing what you accused me of doing.

MR. GORDON: Yeah, because you still didn't acknowledge that you were interrupting in the middle of his answer.

BY MR. MILLER:

Q. I want to... By the way, did you actually ever see Mr. Mandoyan driving the sheriff around?

A. Yes.

Q. Was it -- was he -- was it before the election or after the election?

A. After the election.

Q. And was he driving him around in a County car?

A. Yes.

Q. Okay. And was this before he was supposedly purportedly reinstated or was it afterwards?

MR. GORDON: Objection.

Argumentative and compound.

THE WITNESS: Both.

BY MR. MILLER:

Q. Okay. Well, let's break it down.

Before the purported reinstatement -- which took place, I guess late December 2018, early January -- how many times, while he was on discharge but after Sheriff Villanueva had been elected, how many times did you see Mandoyan driving the sheriff around in a County car, sheriff's car?

A. Just a couple of times.

Q. A couple of times?

A. Yes.

Q. Is that okay? Is that in keeping with the rules, that a discharged deputy is using a County car, County property, to drive an elected official around?

MR. GORDON: Objection. Vague and ambiguous, compound and calls for a legal opinion.

THE WITNESS: I don't know.

BY MR. MILLER:

Q. Do you know if -- well, he was discharged, so I assume Mandoyan wasn't getting paid during that time period before he was purportedly reinstated, so do you know if he was getting money from some other source?

MR. GORDON: Objection.

Lack of foundation, calls for speculation.

THE WITNESS: I don't know.

BY MR. MILLER:

Q. Okay, that's fair. Let's go to the time period

after he was purportedly reinstated.

How many times did you see Mandoyan driving Villanueva around in a County car?

A. A couple times, again.

Q. Do you know whether the two of them had a relationship outside of the Sheriff's Department?

MR. GORDON: Objection.

Lack of foundation, calls for speculation.

BY MR. MILLER:

Q. In other words, a social relationship, a personal relationship outside of Mandoyan being the driver for Sheriff Villanueva?

MR. GORDON: Same objection.

THE WITNESS: He was a friend of the family.

BY MR. MILLER:

Q. Friend of Alex Villanueva's family?

A. Yes.

Q. A friend of Alex Villanueva's wife, Vivian?

MR. GORDON: Objection.

Lack of foundation, calls for speculation.

THE WITNESS: Yes.

BY MR. MILLER:

Q. Did you know, by the way, Vivian Villanueva?

A. Yes.

Q. How did you know her?

A. I believe when the three of us, Alex, Vivian and I worked at East LA station back in '91, '92, she was there as a new -- new person.

And then I knew her for the next 20 years of -- -- through the next 20 years of knowing Alex.

Q. Did you know Mandoyan before 2018-2019?

A. No, sir.

Q. Do you know whether Mr. Mandoyan and Larry Del Mese had a longstanding relationship, going way back to when maybe the West Hollywood station or another station? Had you ever heard that?

MR. GORDON: Objection. Lack of foundation.

THE WITNESS: No.

BY MR. MILLER:

Q. Okay. Now let me ask you about some of the testimony that John Gordon elicited.

He was asking you questions about your -- you know, your concerns about Sheriff Villanueva not working with different entities in the County. He was not supposed to be an island unto himself and you said that didn't go well. Do you remember that testimony?

A. Yes.

Q. Okay. You testified that Sheriff Villanueva excluded other County entities and you specifically said County Counsel, he excluded County Counsel from

involvement with the Sheriff's Department.

Do you remember that?

A. Yes.

Q. Could you explain what you meant by that?

A. At Executive Planning Council meetings, we normally would have County Counsel, OIG, the OIG, because of -- they're working for the Board, and County Counsel because they are -- we are their clients -- in those meetings so that they could provide guidance and keep us from pitfalls in any actions that we might be considering.

And he said he no longer wanted County Counsel or OIG to be in any future Executive Planning Council meetings. So as far as I know, they're excluded from those meetings.

Q. When was that?

A. Um, the week after I left.

Q. Did he say why he wanted to exclude County Counsel from those meetings and those functions?

A. I don't know.

Q. Did he say he didn't like the County Counsel, that he didn't want to work with them, anything like that?

A. I was gone at that point. I've had no conversation with Alex since then.

Q. Okay, all right.

By the way, to your knowledge, did County Counsel

ever sign off on the reinstatement or the purported reinstatement of Mandoyan?

A. No.

Q. To your knowledge, did County Counsel ever approve of the purported reinstatement of Mandoyan?

A. No.

Q. I want to ask you some questions about your time frame -- your time period when you came back. You retired in 2016 with all your various injuries and ailments -- which I hope are better -- and then you came back in late 2018.

At whose request did you come back?

Whose idea was it?

A. Sheriff Villanueva.

Q. You didn't go to him and pitch him, he called you and asked you to come in?

A. He called me. I did not go to him.

Q. Okay. And why did you make the decision to return at his request?

A. Um, I thought we could do good things for the Department. We could get the Department moving forward, get out from a lot of the turmoil I was hearing was allegedly taking place, and I thought that if he was bringing me in, that he would listen and accept the guidance that I was able to give him, and get him to be a

successful sheriff.

So with those thoughts, after I consulted with my wife and she said it was okay for me to come back, I agreed to come back as the undersheriff and work for him.

Q. Okay. Now you testified earlier you retired as a commander, correct?

A. Yes.

Q. What was the highest rank that Alex Villanueva reached before he was elected sheriff?

A. Lieutenant.

Q. So lieutenant and then captain in the ranking, and then commander?

A. Yes, sir.

Q. So he never rose to the level that you did within the Department, correct?

A. No.

Q. So I guess in some sense, he didn't quite have the same level of experience that you had when you retired, when he called you in and asked you to come in, right?

MR. GORDON: Objection.

Leading, vague and ambiguous.

MR. MILLER: Well, I just asked the question.

Q. Did he have the same level of experience that you had, when he called you and asked you to come in?

MR. GORDON: Objection. Lack of foundation, calls for speculation, vague and ambiguous.

THE WITNESS: No.

BY MR. MILLER:

Q. Did you discuss with him what you could add and how you could help him?

A. Yes.

Q. And I'm talking about when he called you and asked you to come in. Did he say to you why he -- what he wanted from you?

A. No, he did not.

Q. And what did you say to him you could offer?

A. I told him I could offer him some guidance, some insight, a lot of institutional knowledge that I had, that I could provide him some direction, that I would be responsible for the day-to-day operations of the Department so that we could function, so that he could be the sheriff, as a newly elected sheriff, but understanding that it would be my role, as the undersheriff/executive officer to be responsible for the day-to-day operation, and he needed to go out and interact with the Board, with the State, other County officials and local officials to get resources for the Sheriff's Department and that I would worry about the day-to-day operation.

Q. And what did he say in response to your statement

in that regard?

A. He said yeah, that's what we need to do.

Q. So he was on board?

A. Yes.

Q. Okay. Were you excited at the prospect of coming in to help him?

A. Absolutely.

Q. Why?

A. The undersheriff position had been the position that I always wanted to achieve when I came on the Sheriff's Department, and I had talked to former Undersheriff Jerry Harper, hey, you've been here. What do I need to do to be the undersheriff of LA County?

And so when -- even though I had retired as a commander, now I have the new sheriff coming in, offering me the opportunity to achieve my dream of being the undersheriff, you know. Once my wife agreed, I said, okay, I can do that.

Q. Okay.

And you rolled up your sleeves and went to work?

A. Yes.

Q. And let's talk about December.

You started in early December, right?

A. Yes.

Q. I think you said, when Mr. Gordon was asking you

questions, December 3rd or 4th, something like that?

A. I believe we went to the office December the 4th.

Q. Fourth, okay. How did December go, between you and the sheriff and the -- what was it like?

You know, how did it go? What was it like?

MR. GORDON: Objection.

Vague and ambiguous, compound.

BY MR. MILLER:

Q. I'll drill down and ask you more detailed questions, but I want to get the big picture first.

MR. GORDON: Same objections.

THE WITNESS: We were... we were not locked in lockstep, hip in hip, which is what we should have been.

You know, whatever he was doing, he should have been aware of what I was doing, he should have been aware of the big ticket items that we were looking at doing.

Day-to-day, personnel, fiscal, day-to-day stuff, didn't have any -- there was no need for him to be involved in that. That's the minutiae that the sheriff should not be involved in.

The big ticket issues like ICE in the jails, new helicopters, which are multimillion-dollar purchases, custody issues, patrol force issues, working with the community, those were the things that he needed to be concerned with, and he wasn't -- he wasn't arising to that

role, he was staying in the weeds and trying to stay involved with day-to-day operational issues, which made it difficult because I would try to do something and I would find out that he had given the order to four or five other people to do something similar and now I'm having to corral people in and say, whoa, wait a minute. We're doing -- we need to do one thing. We can't have five people working on the same thing.

And I had to meet with him and the three assistant sheriffs and basically have a heart to heart with him and say, hey, we're in chaos. We can't keep meeting this way or can't keep working this way because we're dysfunctional and we're not doing ourselves or you any good. We held --

BY MR. MILLER:

Q. Were these -- go ahead, I'm sorry.

I don't mean to interrupt you.

A. We held that meeting in Monterey Park at the new headquarters -- at the old Sherman Block headquarters, and we held it there because I had been hearing rumors that we were restoring the old Sheriff's Office at Monterey Park, but I didn't know. I hadn't been brought into that loop, didn't know anything about it, other than I kept hearing that, yeah, we're doing this, we're doing that.

So I scheduled a meeting through Del Mese and

Rachel, the secretary, to have the three assistant sheriffs, myself and Alex meet at Monterey Park, for two reasons; one, we got him away from everybody, and we could see what was actually happening in that building, were we actually rebuilding the sheriff's offices? And we accomplished that, we found out, yeah, we were rebuilding the sheriff's offices, and we had a meeting with him away from his chief of staff and the lieutenant over there.

Q. This was late December 2018?

A. I think this was like early January.

Q. Early January?

A. Late January, somewhere in there because at that point we were in chaos and very dysfunctional.

Q. Dysfunctional chaos.

Did things get better as time went on, January February, or did they go the other direction and get worse?

MR. GORDON: Objection. Leading, misstates the witness's testimony, compound, vague and ambiguous.

THE WITNESS: I think after that meeting, that might have portended my departure from the Department. I don't think he liked the fact that we were challenging what he was doing. I had -- during the meeting with him, we told him we needed to be more cohesive, we needed to be all functioning on the same path. We had too many people

that were getting to him, giving him direction and guidance, and he wasn't listening to his executive team, which was myself, Olmsted, Gutierrez and Murakami, and that he needed to stop listening to what I called the peanut gallery, a couple of chiefs that were on top, that were in his ear and causing us a lot of extra work, and that he needed to listen to the executive team that he had brought in, because he brought us there for a reason because we gave him credibility and if we were going to continue in this fashion, it was going to impact our integrity, my integrity and my credibility, and I probably wasn't going to be around to keep working for him.

BY MR. MILLER:

Q. Now, by this point in time, this meeting in January, maybe even later January that you're describing and so forth, had you voiced your opposition to the way the Mandoyan purported reinstatement had come down?

A. Yes.

Q. And was Alex Villanueva aware that you didn't agree with the decision or the way it was done --

A. Yes.

Q. -- by the time of this meeting?

A. Yes.

Q. Okay. By the way, did Larry Del Mese play a role in the Mandoyan matter, to your knowledge?

MR. GORDON: Objection.

Lack of foundation, vague and ambiguous.

THE WITNESS: Larry and I were on the same page. He did not believe Mandoyan should be brought back, that the sheriff was spending way too much energy and political goodwill in bringing him back. Larry was, as I was, opposed to any involvement with Mandoyan so we were both on that same page.

BY MR. MILLER:

Q. Did Larry say that --

MR. GORDON: Objection.

Move to strike as nonresponsive.

BY MR. MILLER:

Q. Did Larry say that to you in so many words, what you just related, what you just testified to?

A. Yes.

Q. Tell us what Larry said to you in that regard.

A. Larry said, I've tried to talk to him about Mandoyan, I've tried to tell him this is not good, it's not good for him, it's not good for the Department. I've tried to tell him, but he's not listening. He's intent on bringing him back and just -- you just need to let it go because it's not going to be good for anybody, which I had said the same thing, that I'm out of this, I'm out of the Mandoyan game, and Larry said, I'm out of it too. It's --

it's the sheriff's ball to play with.

Q. What about Eli Vera, did you discuss Mandoyan with Eli Vera?

A. Yes, I did.

Q. Pleas tell us what those discussions were and approximately when they were.

A. Mandoyan -- or Eli didn't believe that we should be bringing Mandoyan back either because of the baggage that was -- and uproar that it was causing and, you know, initially he was part of that initial discussion where, if you're going to do it, make your -- get your process in place and make him number six, seven or eight. Don't make him your poster child for what you're trying to do. Let him be at the back of the bus when you're doing this, but don't bring that up now, and Eli was on board with that and the last conversation I had with him was, he goes, I don't understand, but he wants to bring him back and I don't think we should do that.

Q. Okay. And how many conversations did you have with Eli Vera in that regard?

A. One-on-one, maybe one or two.

Q. How many conversations in that same regard did you have with Larry Del Mese?

A. Oh, a dozen.

Q. Okay. Let talk about Tim Murakami.

Did you talk to him about Mandoyan?

A. No, I didn't.

Q. Okay. By the way, if I'm not mistaken, Eli Vera signed the purported settlement agreement between the Sheriff's Department and Mandoyan. Do you remember that?

A. Yes.

Q. After he told you what you just testified to, that he didn't think it was a good idea, do you have any idea why he would go ahead and sign the settlement agreement?

MR. GORDON: Objection.

Lack of foundation, calls for speculation.

MR. MILLER: I'm asking for knowledge.

MR. GORDON: You didn't say that, you said "do you have any idea."

MR. MILLER: Well...

THE WITNESS: I don't know.

MR. GORDON: Hold on. So just to be clear, I restate my objection. Go ahead.

BY MR. MILLER:

Q. Sounds like he -- somebody either maybe told him to do it or he flipped and changed his position.

Do you have any idea why?

MR. GORDON: Objection. Objection to Counsel's testimony prefacing the question, and vague and ambiguous,

lack of foundation, calls for speculation.

MR. MILLER: I'll withdraw the question.

I actually think you had a good objection, for a change, John. Congratulations.

MR. GORDON: That's very sporting of you.

MR. MILLER: That's okay. I believe in giving credit where credit is due.

Q. Who else did you talk to Mandoyan about, besides Eli Vera, Larry Del Mese, obviously Alex Villanueva.

Anybody else?

A. The assistant sheriffs, Gutierrez and Olmsted.

Q. Okay, let's talk about them.

What's Mr. Gutierrez's first name?

A. Ms. Gutierrez, Maria.

Q. Ms., Maria. Pardon me.

MR. GORDON: Hold on, time out.

I need a short break.

MR. MILLER: Oh, okay.

THE VIDEOGRAPHER: Off the record.

The time is now 3:53.

MR. MILLER: That's fine.

MR. GORDON: I just need to run to the restroom.

MR. MILLER: Okay, no problem.

(Recess taken 3:53 p.m. - 3:56 p.m.)

THE VIDEOGRAPHER: And we're back on the record.

The time is 3:56.

BY MR. MILLER:

Q. Mr. Leyva, before we broke I was asking you about your conversations with Maria Gutierrez regarding Mandoyan, during the time you were -- you returned, between December 4th, 2018, and March 18th, 2019. If you would please tell me what those discussions were.

A. About Mandoyan?

Q. Yeah.

A. It was -- normally, usually in the Monday morning meeting with myself, Murakami and Olmsted, we met before we'd meet with the sheriff and, you know, pretty much it was a consistent, why are we doing this? Why is the sheriff taking this on? You know, he should be being the sheriff. He shouldn't be doing this for this one guy who doesn't deserve it. Can we -- can we stop it? Can we get him to do something else? You know, can we get him out of the office? Because at that time he was up in the office.

It just looks bad all the way around that we're using all this political goodwill on a guy that has too much baggage. And that was pretty much the discussion I had with the three of them while we were --

Q. With Maria Gutierrez --

A. Maria Gutierrez.

Q. -- was that the view she espoused?

A. And she was in concurrence with that. She goes, I don't understand why we're doing this. He's -- he's upset the "Me Too" movement. He's got four women on the Board of Supervisors that he's upset. He's upset County Counsel. He's got the COC upset with him. He's managed to upset every group that has some connection to the Sheriff's Department at this point.

Q. What about Bob Olmsted, did he -- what view did he espouse, with regard to Mandoyan?

A. Bob -- Bob couldn't understand why we were wasting so much time with this. Couldn't understand why the sheriff was pushing so hard to bring him back to work. It just didn't make any sense to him, you know. The guy's got issues, he was fired, Civil Service upheld it, you know, they never do that, but they did. And why are we doing this for this guy?

And I said --

Q. Let me ask you this --

A. -- I don't know.

Q. -- at these meetings with these high-level chiefs and assistant chiefs --

A. Assistant sheriffs.

Q. Assistant sheriffs, pardon me.

What's higher, assistant sheriff or chief?

A. Assistant sheriff.

Q. Okay. So you would have high-level meetings with Ms. Gutierrez, Olmsted, Del Mese and Vera and others?

A. Murakami.

Q. Murakami?

A. I would just hold it with the three assistant sheriffs.

Q. Okay.

A. And then we would meet -- after that we would meet with Alex and Del Mese and Garcia. On occasion Eli Vera would be there and...

Q. Of all of these high ranking sheriff's officials, assistant sheriffs, chiefs, did any of them say, hey, let's bring Mandoyan back, it's a good idea?

MR. GORDON: Objection. Lack --

BY MR. MILLER:

Q. Besides Alex Villanueva, did --

MR. GORDON: Objection.

BY MR. MILLER:

Q. -- any of the top brass in the Department say, let's bring Mandoyan back, I think it's a good idea?

MR. GORDON: Objection. Vague and ambiguous, lack of foundation, calls for speculation.

THE WITNESS: Not to me, no.

BY MR. MILLER:

Q. What about in your presence?

A. No.
Q. The only one, the only person in the entire upper echelon, the top of the Sheriff's Department that wanted Mandoyan back was Alex Villanueva?
MR. GORDON: Objection. Lack --
BY MR. MILLER:
Q. Is that correct?
MR. GORDON: Objection. Vague and ambiguous, lack of foundation, calls for speculation.
BY MR. MILLER:
Q. To your knowledge, based on the conversations that you were party to?
A. Just Alex.
Q. Did he ever say why?
MR. GORDON: Objection. Vague and ambiguous, lack of foundation, calls for speculation.
BY MR. MILLER:
Q. In your presence, to your knowledge?
A. He believed that -- he said he got railroaded by McDonnell, they were out to get deputies, he got caught up in that and he didn't do anything wrong.
He should never have been fired.
Q. Did anybody else in the top ranking people, Ms. Gutierrez, Olmsted, Del Mese, Vera, any of those people say that same thing?

A. No.
Q. As a matter of fact, they all said just the opposite, don't bring him back, right?
MR. GORDON: Objection.
Leading, vague and ambiguous, compound.
BY MR. MILLER:
Q. You've got to answer the question, please.
A. Yes, they were not in support of that.
Q. So Alex Villanueva went against the advice of all of his top advisors, is that a fair statement?
MR. GORDON: Objection. Vague and ambiguous, lack of foundation, calls for speculation.
THE WITNESS: Yes.
MR. GORDON: Hold on. And leading.
BY MR. MILLER:
Q. Okay, let's move on.
By the way, do you know if Alex Villanueva ever actually read the Civil Service Commission report, the 27-page report that was rendered --
MR. GORDON: Objection.
BY MR. MILLER:
Q. -- upholding the discharge of Mr. Mandoyan?
MR. GORDON: Objection.
Lack of foundation, calls for speculation.
THE WITNESS: I don't know.

BY MR. MILLER:

Q. Okay. Oh, yeah. I wanted to ask you, you testified earlier, when Mr. Gordon was asking you questions, about the time period in which you can reinstate an employee. Do you remember that?

A. Yes.

Q. Okay. And I'm talking about a discharged employee being reinstated.

A. Yes.

Q. Okay. And do you know what that time frame is?

MR. GORDON: Objection. Lack of foundation, calls for speculation, calls for a legal opinion.

THE WITNESS: Two years.

BY MR. MILLER:

Q. Okay. I think that's right.

Do you know whether --

MR. GORDON: Objection.

Move to strike Counsel's comment.

BY MR. MILLER:

Q. Do you know whether the time period that had elapsed between when Mandoyan was discharged and when he was purportedly reinstatement -- reinstated by Alex Villanueva, was more than two years?

A. I believe it was two-and-a-half years.

Q. So if Alex Villanueva wanted to bring

Mr. Mandoyan back and he was outside the two-year rule, was there any other way to do it?

A. Yes.

Q. Could you please tell us what that would be, or was.

MR. GORDON: Objection.

Calls for a legal conclusion.

THE WITNESS: It would be to rehire him in a civilian position. He could be a custody assistant in LAT, anything, to get him back on the Department as an employee, as a rehire, or as a -- it would not even be a rehire, it would be a new hire.

We'd get him back on the Department as an employee, have him go back, get his POST reinstated, going to Orange Coast College or wherever to get his POST reinstated, provided he could get past the discharge and the Civil Service recommendations with POST, and once he got his POST position reinstated, he could be then hired as a deputy sheriff on the Department but it would be a new deputy sheriff; there would be no backpay issues, there would be no reinstatement, there would be no making hold of any prior retirement benefits. He would be a new deputy sheriff, working for LA County Sheriff's Department.

BY MR. MILLER:

Q. What's POST?

A. Peace Officer Standards and Training.

Q. And why did you reference POST?

A. Because POST mandates are that, you know -- your POST certification remains in place for I believe two years, three years, somewhere in there, unless you've been terminated by your employer, then I believe it's down to two years as you still maintaining that POST certification as a law enforcement officer.

After two years you have to get it reinstated and petition POST, go take courses, pass, get certified again, and then you can become a law enforcement officer.

Q. Okay. And in California, do you have to be certified by POST to be a law enforcement officer?

MR. GORDON: Objection.

That calls for a legal conclusion.

THE WITNESS: Yes. You have to complete the Academy and then pass your initial year of probation and then you receive your POST basic certificate that says you've complied with all the POST requirements and -- to be a deputy or a law enforcement officer in the state.

BY MR. MILLER:

Q. Okay. So I'll call that the POST certification process. Is that okay with you?

A. Mm-hmm.

Q. Do you know whether Mandoyan went through the POST certification process before he was brought back in by Alex Villanueva?

A. No.

Q. Did he go through the process -- that was a bad question.

Did he go through the process, yes or no -- the POST process, yes or no?

MR. GORDON: Objection.

Lack of foundation, calls for speculation.

BY MR. MILLER:

Q. To your knowledge.

A. No.

Q. How do you know that?

MR. GORDON: Objection. Vague and ambiguous.

BY MR. MILLER:

Q. What's the basis for the answer to my question that he did not go through the POST process?

MR. GORDON: That wasn't your question. It says to his knowledge, did he go through. So -- hold on -- so I will object as -- on the grounds the question is vague and ambiguous and misstates the witness's testimony and misstates your prior question.

MR. MILLER: You're just trying to be obstructionist because you don't like the answers.

MR. GORDON: No.

MR. MILLER: I'll just ask --

MR. GORDON: You said "to your knowledge" and then, what's the basis for saying that he didn't go through it? That's a different question.

MR. MILLER: I'll just ask another question.

Try to -- try to control yourself.

MR. GORDON: I'm perfectly controlled.

BY MR. MILLER:

Q. You testified a minute ago that Mandoyan did not go through the POST process, as you described it, before Alex Villanueva brought him back in.

Do you recall that testimony?

MR. GORDON: Objection.

Misstates the witness's testimony.

THE WITNESS: Yes.

BY MR. MILLER:

Q. Okay. Just to clarify, did -- to your knowledge, based on what you know and your experience and everything, did Mandoyan, or did he not, go through the POST certification process before Alex Villanueva brought him back into the Sheriff's Department in late 2018?

A. No.

Q. And what is the basis for your testimony, your answer "No"?

A. Because to do that, he would have had to apply to Orange Coast College or one of the other certifying colleges in the area.

And we had brought back a retired employee who had to do that and he had applied at one of the colleges to get his recertification so he could come back on board as a deputy sheriff -- because that was the goal for the sheriff, in bringing Mandoyan back, was to make him a deputy sheriff -- and the retired employee had to come back as a civilian employee first before he gets recertified and made whole to become a deputy sheriff, and we didn't -- or the sheriff did not do that with Mandoyan, he just brought him back and put him in directly as a deputy sheriff, on a deputy sheriff position.

Q. Okay. And when you go through the POST process of being rehired as a civilian employee and then eventually, you know, getting your POST certification and transitioning to a deputy, does that involve getting backpay?

MR. GORDON: Objection. Vague and ambiguous, misstates the witness's testimony.

THE WITNESS: There's no backpay involved.

BY MR. MILLER:

Q. Okay. You testified that you met with Chief Del Mese and you discussed Mandoyan.

We've talked about that. He asked you about that, I asked you about that. You said you objected.

I don't want to go back over that.

You also testified you thought it was a disservice to the Department and its 18,000 employees.

Could you explain what you meant by that?

A. Yeah.

MR. GORDON: Just to be clear, I move to strike everything prior to the question about the 18,000.

BY MR. MILLER:

Q. You can just go ahead and answer the question.

He's just making objections for the record.

A. Okay. I thought it was a disservice to the other 18,000 members of the Department because we're using -- or not even using resources, we're being killed in the press behind the sheriff's attempts to bring this one person back, to the detriment and negative impact on the Sheriff's Department because of the scrutiny from the press, the Board, all the negative connotations coming at the Department, when we have 18,000 other people that we could be doing good things for and doing positive things for, instead of wasting -- we're wasting all our time on this one guy who, you know, if he had any character, he would have bowed out and said, hey, there's too much grief here. Let me just get out and move on.

Q. Got it, okay. Give me a minute.

I'm almost done. Just give me a second.

You testified about refurbishing Monterey Park, that they renovated or refurbished Monterey Park.

Do you remember that?

A. Yes.

Q. Monterey Park is what?

A. That's the old sheriff's -- Sherman Block sheriff's headquarters building that we used to occupy before John Scott and McDonnell were put in place and Jim was elected.

Q. Where was your office?

A. Which time frame?

Q. '18 - '19.

A. In the Hall of Justice, 211 West Temple.

Q. Who was located in Monterey Park and who was located at the Hall of Justice downtown?

A. The Hall of Justice were all the executives, assistant sheriffs, undersheriffs, except for the custody division, Assistant Sheriff Bob Olmsted, he was at the twin towers. The division chiefs for the different divisions within the Sheriff's Department were all located at the Hall of Justice because that put us central to everybody; central to the justice family there, with the DA in the building, above us.

We had the Public Defender, we had the Office of the Public Defender across the street.

So all the executive team, other than I think Bob Olmsted and maybe the chief of Technical Services Division were headquartered at the Hall of Justice.

Q. And Olmsted was at the jail?

A. Yes. He was about a mile away.

Q. And where is Technical Services?

A. That was at -- he was at the Norwalk building.

Q. Norwalk. So who was at Monterey Park?

A. Facilities Planning Bureau, some investigative units, I believe Contra Bureau was there, but just functional bureaus of the Department were there.

Q. Got it. But the top management, the top levels, from the sheriff, the undersheriff, the assistant sheriffs and the chiefs were all at the Hall of Justice, downtown?

A. For the most part, yes.

Q. So my question to you is -- by the way, do you know how much money was spent refurbishing Monterey Park?

A. Somewhere around 250, $300,000.

Q. Who made that decision to do that?

A. I don't know.

Q. Do you know if it was Alex Villanueva?

MR. GORDON: Objection -- objection.

Lack of foundation, calls for speculation.

THE WITNESS: Yeah, I don't know.
BY MR. MILLER:
Q. Do you know why that decision was made?
MR. GORDON: Same objection.
THE WITNESS: No.
BY MR. MILLER:
Q. Okay, fair enough. Just one last question.
When you were describing Mandoyan and his purported reinstatement, you used the word "imposter."
Do you remember that?
A. Yes.
Q. Explain why you used that word.
A. Because he was a person who still had deputy sheriff ID, badge, credential, weapon, but he was not an employee of the County of Los Angeles or an employee of the Sheriff's Department. So here you have a guy with all the accoutrements of a deputy sheriff, including uniforms, an assigned vehicle from the Sheriff's Department, but he's not an employee.
So there is a Penal Code section that he could be or should be -- or not should be, I can't say that -- but he could be arrested for impersonating a police officer, should he take any kind of police action identifying himself as a deputy sheriff.
Q. And were you concerned about that?

A. Absolutely.

Q. Why?

A. Because if he took some kind of action and it was out of the scope of our policy and procedures, first, he's already violating the State law because he's out there doing something, and now we have a guy who's taking action under our umbrella, with no authority. Not even an employee. So who's taking on that liability?

MR. MILLER: I have no further questions at this time.

FURTHER EXAMINATION

BY MR. GORDON:

Q. Now, am I correct in understanding that you said you contemplated an independent truth and reconciliation panel that would be composed of three people?

A. I contemplated that with the sheriff.

Q. Okay.

A. Not from my independent contemplation.

Q. So maybe I misunderstood.

How many people were you contemplating would sit on a truth and reconciliation panel, as you envisioned it?

A. Three people.

Q. And who were they?

A. That would be the two Constitutional Policing

Advisors that we hired or would eventually hire, and a member from County Counsel.

Q. Did you contemplate that any person from the Office of Inspector General would sit on that panel?

A. No.

Q. Did you contemplate that anyone from the COC would sit on that panel?

A. No.

Q. What authority, if any, did you envision the sheriff having over any decision made by the panel concerning a possible reinstatement of a deputy?

A. He has final authority on that.

Q. So were you contemplating that after the independent truth and reconciliation panel did their work, they would come up with a recommended decision and it would be ultimately up to the sheriff to decide how to act?

A. Yes.

Q. Did you discuss that contemplated vision with the sheriff, as far as whether he agreed with that?

A. Yes.

Q. And what -- what, if anything, did he say, as far as his view over whether that contemplated structure for a panel and review by him was acceptable?

A. He agreed with that, with that three panel

concept.

Q. What types of cases would that panel have authority to review and make recommendations on?

A. From what he had said, he believed that there were about 400 cases of deputy sheriffs that he believed had been wrongfully disciplined or terminated by McDonnell, and it was his belief that up to 400 cases would be subject to review by this truth and reconciliation panel.

Q. Some of whom were discharged, some of whom received discipline less than discharge?

A. Yes.

Q. Did you contemplate that any deputies who had been discharged more than two years ago would still be included in this group of cases that the independent truth and reconciliation panel, as you envisioned it, would consider?

A. No.

Q. So did you explain to the sheriff that the way you envisioned the panel would allow for review of discharged deputies, only if they had been discharged less than two years prior to the consideration?

A. I don't think we -- I got into specific timelines with him as far as who should be looked at because he was looking at 400 cases and I had no idea what his concept or

time frame for those 400 cases was.

I had proposed the more appropriate resolution would be that we could look at those cases, but you don't make the decision as to what cases are looked at.

There was an Arbitration Board decision that had caused us to go back to 2012 disciplinary guidelines, I believe; that the Department was ordered to roll back changes made in 2013 and 2017 and we were to go back and use 2012 disciplinary guidelines in our imposition of discipline.

I had proposed, you have an ARB decision. Let the unions bring the cases that they believed to be egregious and deserved to be reviewed, then you have cover with the Board because you're not doing it, the union's doing it, and you have the Constitutional Policing Advisors in place -- which the Board wants to have in place -- and you have a cover with them, and whatever cases the unions, whether it's ALADS or PPOA bring to you, or not -- but -- not to you, but ask that they be reviewed by this panel, let those cases be reviewed. I'm sure the ones you're thinking about are probably going to be in that, in that group. I don't know. But at least you have a better way of doing it to protect you and the Department in what you're trying to do.

And I don't know where the panel is now. I have

no idea what the final decision is on that.

Q. So did you testify that in your view, Alex Villanueva had excluded County Counsel attorneys from particular types of meetings?

A. Yes.

Q. What types of meetings were you referring to when you said that Sheriff Villanueva had excluded County Counsel attorneys?

A. Executive Planning Council meetings.

Q. Are those the only types of meetings that, in your view, Sheriff Villanueva had excluded County Counsel from?

A. That I'm aware of, yes.

Q. Were you suggesting that the sheriff had excluded County Counsel from any meetings involving Mandoyan?

A. No.

Q. With regard to exclusion of County Counsel from Executive Planning Council meetings, do you know whether the Board of Supervisors, acting through Mr. Miller's firm, had already sued the sheriff and the Sheriff's Department at the time you believe he started excluding County Counsel attorneys from the meetings?

A. I don't know.

Q. What was the highest rank at LASD you had reached when you ran for sheriff in 2006?

A. Captain.
Q. How many years had you served as captain by that point?
A. At that point, 2006, seven years.
Q. How many years did you serve as commander, in total?
A. Four years.
Q. How many years did you serve as captain, in total?
A. Thirteen.
Q. How many years did you serve as lieutenant, in total?
A. Five.
Q. Which chiefs did you mean to include in your reference to the, quote, peanut gallery?
A. I didn't mean to include any chiefs in the peanut gallery.
Q. Who did you -- who did you intend to include when you described what you called the peanut gallery?
A. The deputy sheriffs, custody assistant, whoever he was talking to at the deputy and custody assistant level on the Department.
Q. Now, you said that one of the assistant sheriffs referenced the Civil Service Commission never upholding a discharge. Did I understand you to be recollecting that's

what one of the assistant sheriffs said?

A. No. I said that. But I didn't say that they never upheld it, I said they rarely upheld it.

Q. And when you say rarely, what -- approximately what percentage were you -- did you have in mind when you used the term "rarely"?

A. I couldn't give you an estimate at that time.

I still don't have a good number.

I'd have to go try to research it for you.

Q. Are you aware of Sheriff Villanueva ever acknowledging that he believed Mandoyan had committed at least some misconduct warranting a level of discipline?

A. Yes.

Q. All right. So I thought I heard you say in your testimony, in response to questions from Mr. Miller, that Sheriff Villanueva said that Mandoyan hadn't done anything wrong. Did I understand your testimony to say that correctly?

A. I don't think he said anything wrong but what he did, did not rise to the level of being discharged.

Q. Did you understand that the ultimate truth and reconciliation recommendation regarding findings, acknowledged that he did engage in some misconduct worthy of some discipline?

A. Well, from that panel that he created?

Q. Yes.

A. Yeah, they said that he had done some things, yes.

Q. And is it your understanding that the ultimate revised findings did confirm that he engaged in some misconduct that warranted a certain amount of discipline?

A. Yes.

Q. Now, you also said that your position was that Carl Mandoyan was not a deputy sheriff between the time he was rehired or reinstated and near the end of December 2018 or the beginning of January 2019.

Did I understand that correctly?

A. That he was not a deputy sheriff, yes.

Q. That he was not an employee of the Sheriff's Department, also not a deputy sheriff?

A. Yes.

Q. Were you aware whether the Sheriff's Department had in fact submitted paperwork reinitiating him as a deputy sheriff of the Department?

A. No.

Q. Did you know whether the Sheriff's Department had done anything to put him on the Sheriff's Department payroll as an official deputy sheriff, after a settlement agreement was reached with him and his counsel?

A. I found that out when I heard about the

settlement agreement, yes.

Q. And once his -- once the Sheriff's Department submitted paperwork to have him paid by the Auditor-Controller -- strike that.

Are you aware whether the Sheriff's Department submitted anything to the Auditor-Controller or the human resources division in order to get him paid?

A. I believe they submitted the settlement agreement that Eli and Mandoyan had signed, to the Auditor-Controller, to begin paying him.

Q. Do you know whether Mandoyan was paid as a deputy sheriff after the settlement agreement was signed on December 28th, 2018?

A. I don't know if he received any money or not.

MR. GORDON: I have no further questions at this time.

FURTHER EXAMINATION

BY MR. MILLER:

Q. Just one cleanup thing, to clarify.

You testified the sheriff has final authority on reinstatement after a discharge. My question to you, is that within the Sheriff's Department or does that also include the Civil Service Commission or the Superior Court or a higher court?

MR. GORDON: Objection. Vague and ambiguous.

THE WITNESS: That would be within the Department.

BY MR. MILLER:

Q. So you weren't including the Civil Service Commission or the courts?

A. No.

MR. MILLER: Okay. No further questions.

MR. GORDON: We have no further questions.

I assume you're still not interested in any type of stipulation regarding signatures, review and signatures, correct?

MR. MILLER: Sure, I'm willing to do whatever's reasonable. I'll leave that up to -- you can work that out with Emily. I don't care.

MR. GORDON: Well, I presented it at Alicia Ault and you said I'm just -- I don't want to deal with it, so that's why I said what I just said.

MR. MILLER: I was tired.

MR. GORDON: All right.

MR. MILLER: We don't have to do this on the record.

MR. GORDON: We definitely don't need to do it on the video record, so we'll terminate.

THE VIDEOGRAPHER: Okay. This concludes Disc 4

of the deposition of Mr. Raymond Leyva, and it is 4:27.

(Deposition adjourned at 4:27 p.m.)

(End of recording.)

ACKNOWLEDGMENT OF DEPONENT

I, RAYMOND LEYVA, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any changes or corrections, if any, appear in the attached errata sheet signed by me.

---------- ----------

DATE RAYMOND LEYVA

C E R T I F I C A T E

STATE OF CALIFORNIA)
)
COUNTY OF NEVADA)

I, TERRI NESTORE, Certified Shorthand Reporter/ Transcriptionist, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes, to the best of my ability, taken while listening to the provided recording.

I further certify that I am not of counsel or attorney for either or any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 10th day of June, 2019.



TERRI NESTORE, CSR 5614, RPR, CRR

CERTIFICATE OF NOTARY PUBLIC

I, LUIS VAZQUEZ, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: June 10, 2019



LUIS VAZQUEZ
Notary Public in and
for the State of
California

&

& 3:10

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

Steven G. Madison (Bar No. 101006)
stevemadison@quinnemanuel.com
John Gordon (Bar No. 112750)
johngordon@quinnemanuel.com
T. Scott Mills (Bar No. 313554)
scottmills@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
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Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT

COUNTY OF LOS ANGELES,

Petitioner/Plaintiff,

vs.

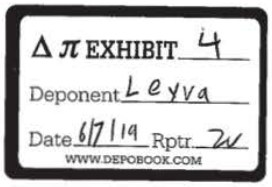
ALEX VILLANUEVA, Sheriff of Los Angeles County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive,

Respondents/Defendants.

CASE NO. 19STCP00630

RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF RAYMOND LEYVA

Date: May 31, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017



TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

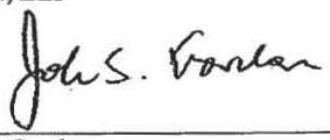
PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010, *et seq.*, Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's Department will take the deposition of Raymond Leyva on Friday, May 31, 2019 at 9:00 a.m., at the offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays, Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically and videotaped, and may be used at trial. The deposition may also be recorded through the instant visual display of the testimony. The deposition will be taken before a notary public or authorized officers.

PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

DATED: May 9, 2019

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By 

John S. Gordon
Attorneys for Sheriff Alex Villanueva and Los Angeles County Sheriff's Department

EXHIBIT A

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve, did approve, or should have approved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS prepared, created, generated, or revised between December 3, 2018 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS prepared, created, generated, or revised between November 26, 2018 and the present RELATING TO the process, rules, system, or approval requirements for the settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating "The County Counsel . . . shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party."

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

EXHIBIT 1

SUBP-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017 TELEPHONE NO.: (213) 443-3300 FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: County of Los Angeles DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	CASE NUMBER: 19STCP00630

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known)*:
Raymond Leyva

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 31, 2019 Time: 9:00 a.m. Address: 865 S. Figueroa St., 10th Floor, Los Angeles, CA 90017

a. [ ] As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
b. [X] You are ordered to produce the documents and things described in item 3.
c. [X] This deposition will be recorded stenographically [X] through the instant visual display of testimony and by [ ] audiotape [X] videotape.
d. [X] This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

3. The documents and things to be produced and any testing or sampling being sought are described as follows:

[X] Continued on Attachment 3.

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

[ ] Continued on Attachment 4.

5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019

▶ John S. Gordon
(SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon — Attorneys for Defendants
(TYPE OR PRINT NAME) (Proof of service on reverse) (TITLE)

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-020 [Rev. January 1, 2009]

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

Legal Solutions Plus

Code of Civil Procedure §§ 2020.510, 2025.220, 2025.230, 2025.250, 2025.620; Government Code, § 68097.1

SUBP-020

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:
   a. Person served *(name)*:
   b. Address where served:
   c. Date of delivery:
   d. Time of delivery:
   e. Witness fees and mileage both ways *(check one)*:
      (1) ☐ were paid. Amount: . . . . . $ 0.00
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify)*: . . . . . $ 0.00
   f. Fee for service: . . . . . $ 0.00
2. I received this subpoena for service on *(date)*:
3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. ☐ Registered professional photocopier
   g. ☐ Exempt from registration under Business and Professions Code section 22451
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

ATTACHMENT 3

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve, did approve, or should have approved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS prepared, created, generated, or revised between December 3, 2018 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS prepared, created, generated, or revised between November 26, 2018 and the present RELATING TO the process, rules, system, or approval requirements for the settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating "The County Counsel . . . shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party."

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 9, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF RAYMOND LEYVA** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 9, 2019, at Los Angeles, California.

Rita Turner

CONFIDENTIAL PERSONNEL RECORDS

EXHIBIT C

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

COUNTY OF LOS ANGELES, Plaintiff, vs. ALEX VILLANUEVA, Sheriff of Los Angels County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 though 10, inclusive. Defendants.	))))))No. 19STCP00630))))))))

VIDEOTAPED DEPOSITION OF JOHN NAIMO
Los Angeles, California
Monday, June 10, 2019

Reported by:
RENEE A. PACHECO, RPR, CLR
CSR No. 11564
Job No. 3382233
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

COUNTY OF LOS ANGELES, Plaintiff, vs. ALEX VILLANUEVA, Sheriff of Los Angels County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 though 10, inclusive, Defendants.	No. 19STCP00630

Videotaped deposition of JOHN NAIMO taken on behalf of Plaintiff, at 865 South Figueroa Street, Los Angeles, California, beginning at 9:15 a.m. and ending at 11:05 p.m. on Monday, June 10, 2019, before RENEE A. PACHECO, Certified Shorthand Reporter No. 11564, RPR, CLR.

APPEARANCES:

For Plaintiff:

QUINN EMANUEL URQUHART & SULLIVAN
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For Defendants:

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Videographer:

Richard Smith

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Los Angeles, California, Monday, June 10, 2019

9:15 a.m.

THE VIDEOGRAPHER: Good morning. Today's date is June the 10th, 2019. The time is 9:15 a.m. 09:15AM
Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference.

Please turn off all your cell phones and place them away from the microphones as they can 09:15AM
interfere with the deposition audio.

The audio and video recording will continue to take place unless all parties agree to go off the record. This is Media Unit No. 1 of the video-recorded deposition of Mr. John Naimo. 09:16AM

It's being taken in the matter of the "County of Los Angeles versus Alex Villanova (sic), et al.," pending trial in the Superior Court of California for the County of Los Angeles Central District. Docket number is 19STCP00630. 09:16AM

The deposition is being held at the law firm of Quinn Emanuel located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017.

My name is Richard Smith. I'm the videographer. And I'm sorry. I didn't get your 09:16AM

name.

DEPOSITION REPORTER: Renee Pacheco.

THE VIDEOGRAPHER: And Ms. Renee Pacheco. And she's the court reporter. I am not related to any party in this action nor am I financially interested in the outcome. 09:16AM

Counsel and all present in the room can now state their affiliations for the record. If there are any objections to the proceeding, please state them at the time of your appearance and we will begin with the noticing attorney. 09:17AM

MR. GORDON: John Gordon for the Sheriff Alex Villanueva and Los Angeles Sheriff's Department. And for the record it is Villanueva, V-I-L-L-A-N-U-E-V-A, not Villanova, but I'm sure everyone caught that. 09:17AM

THE VIDEOGRAPHER: Thank you.

MS. HASHMALL: Good morning. Mira Hashmall, Miller Barondess for the County of Los Angeles and for the witness John Naimo. 09:17AM

THE VIDEOGRAPHER: Thank you. If I could have the court reporter please swear in the witness.

DEPOSITION REPORTER: Raise your right hand, sir.

Do you solemnly state the testimony you are 09:17AM

about to give will be the truth, the whole truth and nothing but the truth?

THE DEPONENT: I do.

JOHN NAIMO,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. GORDON: 09:17AM

Q Mr. Naimo, do you have any documents to produce in response to the deposition subpoena you were served?

A No, I do not.

Q Have you ever been deposed before? 09:17AM

A Yes, I have.

Q About how many times?

A Four.

Q Now, you understand that this deposition will be under oath; right? 09:18AM

A I do.

Q And you'll be subject to penalties of perjury if you intentionally make a false material statement under oath.

Do you know that? 09:18AM

A Yes.

Q Now, I'll be asking you questions. Your counsel may object. But unless your counsel instructs you not to answer, you're required to answer my questions. 09:18AM

Do you understand that?

A Yes.

Q You're represented by an attorney today?

A I am.

Q Who is that? 09:18AM

A She's seated to my left, Mira Hashmall.

Q Now, as you probably know, you must answer questions audibly. That's with words -- and with words. Nods or shakes of the head can't be transcribed by the court reporter. 09:18AM

Do you understand that?

A Yes.

Q Now, the court reporter is transcribing the deposition and she can take down the words of only one speaker at a time. Please wait until I finish 09:18AM my question before answering and I will wait until you finish your answer before asking my next question.

Is that okay?

A Yes. 09:18AM

Q Please ask for clarification if you don't understand one of my questions and I'll do my best to rephrase it. If you under -- if you answer the question, it will be assumed that you understood it.

Do you know that? 09:19AM

A Yes.

Q Now, if you need a break, let me know, but you need to answer any pending question before we break unless you believe you need to consult with your attorney about whether you have a legal 09:19AM privilege not to answer.

So if you just want to discuss what for example might be a better answer than another but it's not a question of privilege, you understand you're not entitled to call for a break, go out and 09:19AM discuss it and come back.

Do you understand that?

A I do.

Q But obviously if you can't figure the -- you can't answer a question without being certain 09:19AM that it's not a privileged answer, that's when you're entitled to say "Hold on. I'm taking a break. I need to go consult with my counsel" or if your counsel asks for a break to discuss question privilege, then we'll be taking a break for you to 09:19AM

do that.

Do you understand that?

A Yes.

Q Now, there may be times where you don't have exact information but you can make a reasonable approximation. You might -- for example, you might not know an exact date, but you might remember that it was somewhere around the second week of March. 09:19AM

If you can, provide a reasonable approximation when you don't know an exact answer. Will you do that and just make clear you are approximating or giving your best estimate, you are not claiming to have an exact recollection of the exact answer. 09:20AM

Do you understand that? 09:20AM

A Understood.

Q And if you have any questions about that instruction when you're about -- when I ask you a question and you're uncertain about whether you're caught somewhere in the never-never land, obviously just explain to me what it is you're hung up on and I'll try to rephrase the question or just you can make clear that you're talking about an approximation or an estimate. All right? 09:20AM

Now, there may also be times when you 09:20AM

believe you know the answer but you aren't 100 percent sure. If you believe you know the answer but you aren't sure, then just let me know that your answer is your best belief but you're not positive that that's the answer. Okay? 09:20AM

A Yes.

Q Now, after we're done -- and the court reporter is going to prepare a transcript of this entire deposition. You'll have a chance to review it and make whatever changes or corrections you deem appropriate. 09:21AM

You understand though whatever changes or corrections you make will be able to be commented on by counsel at any hearing or trial or other proceeding. 09:21AM

Do you know that?

A Understood.

Q Am I correct in assuming you have never been convicted of a felony?

A That's correct. 09:21AM

Q Am I correct in assuming you haven't been disciplined by the county in connection with your service as a county employee?

A That's correct.

Q Now, is there any reason you're aware of 09:21AM

that you can't give your best testimony today either because you are on medication that affects your thinking, you're ill and it's preventing you from being clearheaded, anything like that?

A There's no reason like that. 09:21AM

Q And so is there any reason that you can't give full and truthful testimony today?

A There's no reason.

Q Did you communicate with anyone for purposes of preparing for this deposition? 09:21AM

A Yes.

Q Who was that?

A Counsel who is seated to my left.

Q About how many times?

A Once. 09:22AM

Q For about how long?

A Two hours.

Q When was that?

A Last Monday, June 3rd.

Q Did you review any documents to prepare to testify for this deposition? 09:22AM

A I reviewed the documents that were attached to my declaration.

Q The declaration in support of the county's application for a temporary restraining order? 09:22AM

A That's correct.

Q And approximately how long did you spend looking at the documents?

A Probably 30 minutes.

Q Did looking at those documents refresh your recollection about any of the matters that you addressed in your declaration? 09:22AM

A Yes.

Q Which documents refreshed your recollection about any of the matters addressed in your declaration? 09:22AM

A All of them generally, but probably the one -- the most was the request from the sheriff's department to Ms. Jennifer Yip which described a process that would provide for back pay to Deputy Mandoyan. 09:23AM

Q So are the documents attached to your declaration in support of the county's TRO application the only documents you prepared other than presumably your declaration to prepare for this deposition? 09:23AM

A Yes.

Q Am I correct you also took a look at your declaration to prepare for the deposition?

A I did. 09:23AM

Q Now, I assume you discussed substantive matters concerning the deposition with your counsel Ms. Hashmall?

MS. HASHMALL: I'm going to object.

Instruct you not to answer any questions about your communications with counsel. 09:23AM

MR. GORDON: And assume we have the same stipulation we have with Mr. Miller. It is deemed stipulated whenever you instruct the witness in this deposition not to answer that he is deemed to have followed your instruction and refuse to answer? 09:24AM

MS. HASHMALL: Yes.

MR. GORDON: So I won't be requesting from the witness herein after any confirmation of that fact. 09:24AM

MS. HASHMALL: Right.

BY MR. GORDON:

Q Did you bring any written notes with you to the deposition?

A No, no. 09:24AM

Q Do you have any written engagement or retention agreement with Ms. Hashmall's firm?

MS. HASHMALL: Objection.

Instruct you not to answer.

///

BY MR. GORDON:

Q Is it your understanding that the County of Los Angeles is paying Ms. Hashmall's firm to represent you in connection with this deposition?

MS. HASHMALL: Objection. 09:24AM

Instruct you not to answer.

BY MR. GORDON:

Q And did you disclose any information to Ms. Hashmall in order to prepare for this deposition? 09:24AM

MS. HASHMALL: Objection.

Instruct you not to answer.

BY MR. GORDON:

Q Did you receive any legal advice from Ms. Hashmall in connection with preparing for this 09:24AM deposition?

MS. HASHMALL: Objection.

Instruct you not to answer.

BY MR. GORDON:

Q Can you tell me what your first job with 09:25AM the County of Los Angeles was?

A Yes. My first job was accountant auditor with Los Angeles County.

Q In what year did you begin your employment with L.A. County in that capacity? 09:25AM

A 1979.

Q Is that the first professional job you had after college?

A Yes.

Q How long did you remain as an account auditor with L.A. County after beginning in 1979? 09:25AM

A Approximately one year.

Q After that what new position did you assume?

A Intermediate accountant auditor. 09:25AM

Q How long did you remain in that position with the County of L.A.?

A Approximately one-and-a-half years.

Q After that what was the next position you held? 09:25AM

A Senior accountant auditor.

Q How long did you hold that position?

A Approximately a year-and-a-half.

Q All right. After that position what's the next position you held? 09:25AM

A Principal accountant.

Q How long did you hold that position approximately?

A Five to six years.

Q And so what year are we now when you 09:26AM

concluded your tenure as principal accountant for the County of L.A. at the auditor-control -- auditor-controller's office?

A We're around late 1980s.

Q After you finished your tenure as principal accountant at the auditor-controller's office, what's the next position you held? 09:26AM

A Chief accountant.

Q How long did you hold that position for?

A Approximately ten years. 09:26AM

Q Into the late 1990s?

A Yes.

Q What is the next position you held after completing your term as chief accountant?

A Division chief. 09:26AM

Q How long did you remain division chief for the auditor-controller?

A Approximately four years.

Q After you finished being division chief, what's the next position you held? 09:27AM

A Assistant auditor-controller.

Q How long did you remain assistant auditor-controller for the department of auditor control?

A From 2002 till 2014. 09:27AM

Q In 2014 did you assume a new position?
A Yes.
Q What position was that?
A Auditor-controller.
Q And you remained auditor-controller of L.A. County from 2014 until when? 09:27AM
A Till I retired in March of 2019.
Q So total how many years approximately did you spend as an employee of the auditor-controller's office? 09:27AM
A 39-and-a-half years.
Q What was the last day that you officially served as auditor-controller of L.A. County?
A March 29th, 2019.
Q Is that the last day you did any actual work for the auditor-controller's office? 09:28AM
A Yes, it is.
Q After you retired from your position as auditor-controller on March 29, 2019, have you been employed by any other entity? 09:28AM
A No.
Q Have you worked for any other entity?
A No.
Q Do you know whether James McDonald was L.A. County sheriff between 2014 and December 2018? 09:28AM

A Yes, I do.

Q As auditor-controller, did you ever participate in any way in any aspect of the process for determining appropriate discipline for L.A.S.D. peace officers found to have committed misconduct? 09:29AM

A No.

Q Are you familiar with any approvals that were required during the McDonald administration before the sheriff's department could settle a dispute over discipline that had been imposed on an 09:29AM L.A.S.D. peace officer?

A I am not familiar with those -- those matters.

Q And do you know whether Alex Villanueva became L.A. County sheriff on or about December 3rd, 09:29AM 2019?

A Yes, I am aware.

Q And to your knowledge that is about when he became sheriff?

A Yes, it is. 09:29AM

Q Now, as auditor-controller, did you ever -- are you familiar with any approvals that were required during the Villanueva administration before the sheriff's department could settle a dispute over discipline that had been imposed on one of its peace 09:30AM

officers?

A I became aware of these issues generally when the issue of Deputy Mandoyan surfaced.

Q How did you become aware of these issues generally as you put it when the issue of Deputy Mandoyan surfaced? 09:30AM

A There -- there were media reports regarding Mandoyan which I had read and seen, and that is how I first became aware of issues associated with your line of questioning. 09:30AM

Q So did you become aware of any particular approvals that were required during the time Alex Villanueva has been sheriff concerning whether L.A.S.D. could settle a dispute over discipline with a deputy? 09:31AM

A I became aware of issues in this area as they surfaced in connection with Deputy Mandoyan.

Q So which -- which approvals did you become aware of that were required during the Villanueva administration to settle a dispute over discipline imposed on a deputy? 09:31AM

A The issue of approvals was a central issue with respect to Deputy Mandoyan. That is how I became aware of such a process.

Q And what approval did you come to 09:31AM

understand needed to be obtained before L.A.S.D. could settle Carl Mandoyan's dispute over the discipline that was imposed on him?

A It came to my attention that the county counsel's approval was required in matters such as Deputy Mandoyan's. 09:32AM

Q And what's your basis -- strike that.

How did it come to your attention that county counsel's approval was required for that?

MS. HASHMALL: Just going to object and remind you that if your answer involves a communication with counsel, I'm going to instruct you not to answer. If you can answer the question based on information or communications not involving counsel, then you can go ahead. 09:32AM

THE DEPONENT: Okay. The conversations I had that led me to understand that approvals were required by county counsel were the subject of discussion with the county counsel.

BY MR. GORDON: 09:32AM

Q Is that the only basis you have for asserting that county counsel's approval needed to be obtained before L.A.S.D. could settle Carl Mandoyan's dispute over discipline that had been imposed on him? 09:32AM

A I also spoke with staff and the auditor-controller department who have day-to-day familiarity with these processes. My staff at the time instructed me that similar instances to Deputy Mandoyan's were always accompanied by a county counsel memorandum or letter.

Q Which staff members are you referring to in that answer?

A Those staff members would have been Jennifer Yip, Y-I-P, who was the division chief of countywide payroll at the time. Her assistant Laura Rinard, R-I-N-A-R-D. 09:33AM

Q Any other staff members you were referring to when you said you spoke with staff and the auditor-controller department -- staff in the auditor-controller department? 09:34AM

A There could have been other staff in that division. I can't recall specifically though.

Q Other than -- strike that.

And who told you that in similar instances the request -- strike that. 09:34AM

When you say "similar instances," what similar instances are you referring to?

A The people that work in the central payroll division have knowledge of other matters in the 09:34AM

county that involved restoring employees who either had been terminated or otherwise disciplined and so they -- those individuals, two of whom I specifically mentioned, were the source of that information. 09:35AM

Q And did -- which of them said that in similar instances there was always a memorandum or other written confirmation from someone from county counsel accompanying a request of the type that you mentioned? 09:35AM

A Both of the individuals I named.

Q You're referring to Ms. Yip and Ms. Rinard?

A Yes.

Q Did you ask them whether there were any instances in which a request for back pay had been made for a county employee which was not accompanied by some type of memo or written approval by the county counsel's office? 09:35AM

A I don't remember specifically asking them, but over the course of our conversation I was clearly led to believe that there were no such instances as you've described. 09:36AM

Q Have you ever learned of any instance in which the auditor-controller's department authorized payment of back pay to a county employee without a 09:36AM

memo or other written approval document from the county counsel office authorizing the auditor-controller to do that?

A I'm not aware of any such instance.

Q What, if any, investigation did you do besides speaking with Ms. Yip and Ms. Rinard to determine whether there was any other instance of the sort I just asked you about? 09:36AM

A I asked them to check again with any staff who may have other familiarity with this area just to be assured of that. 09:37AM

Q And did you ever communicate with them again after making that request of them about that request?

A Yes, I did, and it came to my attention that there were no other instances that anyone could recall where such a direction to the auditor-controller came about without county counsel sign off. 09:37AM

Q Did Ms. Yip or Ms. Rinard say what period of time they checked records for to investigate your question? 09:38AM

A No, I don't recall that they did.

Q Are you aware of any rule anywhere that required county counsel to submit some type of 09:38AM

written documentation to the auditor-controller's department before auditor-controller could authorize payment of back pay to a county employee?

A I'm not aware of a rule per se. In consultation with our county counsel, I became aware that there were either statutes or rules governing such. 09:38AM

Q Are you saying that you believe there is a rule that required county counsel to provide written approval before auditor-controller could make back pay to a county employee? 09:39AM

MS. HASHMALL: Objection. I'm just going to reiterate if your information or knowledge comes from communications with counsel, I'm instructing you not to answer. 09:39AM

THE DEPONENT: Based on counsel's advice, the information I obtained in this area was pursuant to discussion with county counsel.

BY MR. GORDON:

Q But as you sit here today, without telling me your basis for believing why the rule does establish that, can you tell me -- can you point me to any rule you're aware of that you believe requires county counsel to submit written approval before the auditor-controller department can 09:39AM 09:40AM

authorize back pay to a county employee?

A No, I don't have a specific reference in that respect.

Q And the same question as to any written policy that makes written approval of the county counsel's office a requirement before auditor-controller can authorize back pay, are you aware of any? 09:40AM

A No.

Q Same question as to written procedure. 09:40AM

A I'm not aware of a specific procedure.

Q And finally same question as to a written guideline.

A Nor am I aware of written guidelines.

Q Is your understanding of there being an approval requirement -- strike that. 09:40AM

Is your -- did you understand while you were auditor-controller that the auditor-controller had any say in determining whether a county department could rehire or reinstate an employee if there was no request for back pay or restoration of any other financial compensation for the period of time the employee was off duty? 09:41AM

MS. HASHMALL: Objection; vague, compound.

Answer to the best of your ability if you 09:41AM

understand the question.

BY MR. GORDON:

Q Do you understand what I'm asking you?

A Could you repeat the question, please?

Q Did you understand while you were auditor-controller that the auditor-controller had any say in determining whether a county department could rehire an employee who had been discharged if there was no request for any financial compensation during the time the employee was off duty? 09:41AM 09:42AM

A So I understand the question to be if the auditor-controller has a say, as I understand that, that would be involvement in bringing a county employee back did you say without compensation?

Q Without compensation for the time the employee was off duty. 09:42AM

A You just simply come back to work?

Q Right.

A I can't tell you that I specifically know the auditor-controller's involvement. I can tell you that the auditor-controller as the department responsible for issuing the payroll would likely be involved with the department that would be seeking to bring the employee back as well as potentially other county departments. 09:42AM 09:43AM

Q So what I'm asking you is are you aware of the auditor-controller having any authority to dictate to someone like the sheriff's department whether it can reinstate a discharged employee if the department is not asking for payment of any compensation covering the time period the employee was off duty? 09:43AM

A I don't believe the auditor-controller would have a role specifically in the circumstances you just described. 09:43AM

Q Are you aware of any of the procedures governing payment of back pay for reinstated deputy sheriffs being any different from payment of back pay for reinstated employees of some other county department? 09:44AM

A I have very little direct knowledge of back pay processes, and so I could not tell you that there is a difference between sheriff employees and the circumstances you described and those of any other county department. 09:44AM

Q Are you aware of any difference in approval procedures for settlements with reinstated employees of the sheriff's department and approval procedures for settlements with reinstated employees of other county departments? 09:44AM

A No, I am not aware of any such differences.

Q At any time while you served as auditor or controller, did you ever play any role in deciding whether to approve a county department settlement of a dispute over discipline imposed on an employee? 09:45AM

A No, but I will disclose to you that I served as a member of the county's claims board. I don't know if you are familiar with that, but that is a three-member board which reviews and makes determinations as to whether settlement should take 09:45AM place or settlement should be recommended to the board of supervisors.

I served on the claims board for approximately eight years. Those are instances where we rule on recommendations to settle claims 09:45AM generally. They could involve employment claims.

Q And are you aware of ever -- strike that.

As the claims board did the claim -- as a member of the claims board, do you know whether the claims board had the power to refuse to allow a 09:46AM settlement between the parties in a particular matter under consideration by the board?

A I don't understand the question.

Q What decision-making authority, if any, did the claims board have in determining whether a 09:46AM

settlement should be entered into?

A Settlements were brought to the claims board after they had already been agreed upon by the county and the other party involved.

Q And at that point after the settlement had been agreed to, what role did the claims board play in evaluating that settlement? 09:46AM

A We would review the facts, we would have an opportunity to ask questions to representatives from either the county counsel or the involved department, we would look at the corrective action plan of the department, and we would then deliberate and make a decision as to whether or not we approve the claim. 09:47AM

Q Do you know whether the Mandoyan settlement was presented to the claims board for its evaluation? 09:47AM

A I do not know.

Q What determined which settlements would be presented to the claims board for determination of whether to approve the settlement? 09:47AM

A Matters that come before the claims board are prescribed in the county code. There is a specific process. I can tell you that anything over $20,000 generally came to the claims board for 09:48AM

approval.

Q So every settlement -- to your knowledge, during the time you were a member of the claims board, every settlement that called for payment of over $20,000 by the county had to be evaluated and approved by the claims board before the payment could be made? 09:48AM

MS. HASHMALL: Objection; misstates the witness' testimony.

BY MR. GORDON: 09:48AM

Q Did I -- did I misunderstand you?

MS. HASHMALL: He said generally first of all.

But you can answer.

Is there a new question pending or? 09:48AM

MR. GORDON: No, no.

BY MR. GORDON:

Q You can answer my question first if you understand it.

MS. HASHMALL: Madam Court Reporter, can you read back the question, please? 09:48AM

MR. GORDON: I'll restate it.

BY MR. GORDON:

Q So did every settlement to your knowledge during the time you were a member of the claims 09:49AM

board that called for payment of over $20,000 have to be evaluated and approved by the claims board before the county could make the payment?

A I can't say with absolute certainty that every single one did because I can't tell you that I'm aware of any exceptions to that process. That is a general guideline which from my perspective brought to the claims board many matters that the claims board was able to settle and many matters which ultimately were placed on the board of supervisors agenda for their consideration. 09:49AM 09:49AM

Q So when the claims board couldn't or didn't approve of a settlement, what would happen to the claim in the ordinary course of the process? Are you saying it would go to the board of supervisors for its review? 09:50AM

A If the claims board did not act to recommend it to the board?

Q Yes.

A I can never -- I cannot recall that ever happening. If the claims board did not approve a claim, which in itself was rare, the claim went back to the attorney that was handling the claim. But in eight years there might have been one or two instances like that. 09:50AM 09:50AM

Q And did every settlement agreement that came to the claims board have any written -- have a written approval accompanying it from the county counsel's office?

A The matters presented to the claims board had confidential memoranda from the county counsel's office to the claims board. 09:51AM

Q In every instance?

A In every instance I can recall, yes.

Q Have you now told me any -- all you can remember about any approval requirements in place at any time between 2014 and your retirement that governed whether the sheriff's department could pay back pay to an officer returned to duty after being discharged? 09:51AM 09:52AM

A Yes, I've disclosed everything I know.

Q Now, are you aware of the sheriff's department between 2014 and your retirement ever rehiring a peace officer who had been discharged by the department? 09:52AM

A I am not aware of such an instance.

Q Are you aware of L.A.S.D. between 2014 and your retirement ever reinstating a discharged peace officer without an order from the civil service commission or a court compelling reinstatement? 09:52AM

A Other than Deputy Mandoyan I am not aware of any.

Q Now, did you do anything to support any candidate campaign for sheriff in 2018?

A I did not. 09:52AM

Q Did you make any contributions to any candidate for sheriff in 2018?

A I did not.

Q Did you have a preference for either sheriff's candidate over another in the 2018 run-off 09:53AM election between James McDonald and Alex Villanueva?

MS. HASHMALL: Objection; I think you're invading the witness' privacy absent heightened showing a good cause which cannot be met. I would suggest that the witness can keep his political 09:53AM decisions private.

MR. GORDON: Are you going to answer?

MS. HASHMALL: But you can answer how you see appropriate to that question.

BY MR. GORDON: 09:53AM

Q I'm not asking you how you voted. I'm asking did you prefer one candidate over another in the 2018 run-off election between McDonald and Villanueva?

MS. HASHMALL: I still think it intrudes 09:53AM

upon his privacy, so your...

THE DEPONENT: Well, I -- I did not have a preference. I did know I had met Sheriff McDonald, but other than having been acquainted with him or having seen him in a couple of meetings I had no other involvement with him. I knew his staff obviously, so I would have interacted with his staff not the sheriff himself. 09:53AM

BY MR. GORDON:

Q So was the answer to my question that you did or didn't have a preference? 09:54AM

MS. HASHMALL: Objection; he asked and answered -- you asked and he answered it.

BY MR. GORDON:

Q You can answer. 09:54AM

A I did not have a strong preference for either one.

Q Have you ever expressed any personal view about Carl Mandoyan's discharge from the sheriff's department? 09:54AM

A No, not that I can recall.

Q Have you ever held any personal view about Carl Mandoyan's discharge --

A No.

Q -- from the sheriff's department? 09:54AM

A No.

Q Have you ever held any personal view about the decision of the Villanueva administration to return Carl Mandoyan to duty as deputy?

A Can you please repeat that? 09:55AM

Q Have you ever held any personal view about the decision by the Villanueva administration to return Carl Mandoyan to duty as an L.A.S.D. deputy?

A My personal view only relates to the legality of the reinstatement of Deputy Mandoyan. 09:55AM

Q And what is that personal view?

A That -- that I have serious concerns if he was indeed brought back on the payroll illegally. That would be concerning to me.

Q And what's your basis for serious concerns 09:55AM that he was brought back on the payroll illegally?

A Again, those are issues that I learned about in discussions with my staff and the county counsel's office.

Q Have you already told me in this deposition 09:56AM so far about any of the serious -- of any of bases for any serious concerns you have about whether Mandoyan was brought back on the payroll illegally?

A We've discussed those previously, yes.

Q Is there -- is there any other basis for 09:56AM

your concerns beyond the ones you have already testified about concerning any serious concerns you had about the legality of the sheriff's department return of Mandoyan to duty?

A No, there are none other than those. 09:56AM

Q Have you ever expressed any personal -- strike that.

Other than your declaration in support of the county's TRO application and a letter that you wrote to Carl Mandoyan in your capacity as 09:56AM auditor-controller, have you ever expressed any personal view about the legality of the return of Mandoyan to duty as a deputy?

MS. HASHMALL: Objection; improper foundation, vague and ambiguous. 09:57AM

Answer to the best of your ability.

THE DEPONENT: With regard to expressed, because this was a significant matter for the auditor-controller department, I'm sure that I had discussions with the staff in my department that 09:57AM were involved in this issue about Deputy Mandoyan generally.

BY MR. GORDON:

Q Have you -- have you told me everything you can remember about any discussions you had with your 09:57AM

staff concerning the legality of sheriff's department return of Mandoyan to duty?

A Yes.

Q So is there anything else that you can remember that you haven't already told me that concerns communications you had with any member of your staff about the legality of the sheriff's return of Mandoyan to duty? 09:57AM

A This sounds very similar to the question I just answered, but I will again repeat. I did not have additional concerns. 09:58AM

Q Have you expressed any personal view about Alex Villanueva's conduct as sheriff other than anything you've already discussed in today's deposition? 09:58AM

A To whom?

Q Anybody.

MS. HASHMALL: Well, so if in answering this question you -- you either need to disclose communications you had with counsel or other private communications you may have had with a family member, then I would instruct you not to answer. 09:58AM

MR. GORDON: So just to be clear, are you instructing him not to answer on privilege grounds if he spoke to a son or a daughter or a cousin? 09:59AM

MS. HASHMALL: If he spoke to his wife, I'm going to instruct him that he has a privilege not to disclose spousal communications.

You also are instructed not to answer any communications with counsel. 09:59AM

THE DEPONENT: Okay. Because the sheriff was in the media quite a bit, it's -- it's very possible that I had conversation with other people about issues that were in the media, but I -- I don't have a bias or other disposition positive or 09:59AM negative with respect to Sheriff Villanueva.

BY MR. GORDON:

Q Have you ever expressed any personal view you held about any action Sheriff Villanueva took concerning deputy sheriffs who had been disciplined 10:00AM by the sheriff's department?

A No.

MR. GORDON: Let's take a break.

THE VIDEOGRAPHER: One moment, please. We're -- we're off the record. The time is 9:59. 10:00AM

(Recess.)

THE VIDEOGRAPHER: And we're back on the record. The time is 10:08.

BY MR. GORDON:

Q One moment. 10:08AM

Have you ever heard anyone assert that James McDonald's decision on discipline of a particular officer was based in some way on whether the officer supported McDonald as sheriff?

A I don't recall hearing that, no. 10:09AM

Q I'm handing the reporter to mark as Exhibit 8 a document entitled "Respondent's Defendant Sheriff Alex Villanueva and Los Angeles County Sheriff's Department's Notice of Deposition of John Naimo." 10:09AM

MS. HASHMALL: What was the number?

MR. GORDON: 8.

(Defendant's Exhibit 8 was marked for identification.)

BY MR. GORDON: 10:09AM

Q Would you look at Exhibit 8, specifically Exhibit 1, which is about halfway through consisting of the Deposition Subpoena?

A Exhibit 1, yes.

Q Do you recognize Exhibit 1 as a Deposition Subpoena that was served on you? 10:10AM

A Yes, I do.

Q After you got the Deposition Subpoena that we have -- that's part of what we have marked Exhibit 8, did you look through the entire Subpoena? 10:10AM

A Yes.

Q And did you see the attachment that lists 42 categories of documents that were requested for you to produce at the time of your deposition?

A I did. 10:10AM

Q What, if anything, did you do to search for any of the 42 categories of documents demanded by the deposition subpoena?

A Being retired I did not take any county records with me. I don't have county records in my 10:10AM possession, and so I -- other than to familiarize myself with what was being requested, I didn't do much else.

Q So at any time between the time you retired from the county on March 29, 2019 and today, have 10:11AM you ever done anything to dispose of any of the 42 categories of documents -- dispose of any of the documents called for in any of the 42 categories of documents in Exhibit 8?

A No. 10:11AM

Q Same question as to destroy any such documents.

A Nor have I done anything to destroy.

Q Same question as to transfer to somebody else. 10:11AM

A I have not done that.

Q Have you refused to produce any documents referenced in the 42 categories of documents in your deposition subpoena which is part of Exhibit 8 based on any objection to the Deposition Subpoena? 10:12AM

A No, I have not refused.

Q While you were auditor-controller, did you know anything about the sheriff's department's disciplinary proceedings against Deputy Mandoyan that you haven't already told me about in this 10:12AM deposition?

A No, there's no additional information I have regarding that.

Q I assume you had no involvement in any aspect of the actual disciplinary proceedings 10:12AM against Mandoyan; is that right?

A Your assumption is correct, yes.

Q Now, other than what you have already told me about in this deposition and what is referenced in the declaration you submitted in support of the 10:12AM county's TRO application and the letter you wrote to Mandoyan, since retiring as auditor-controller, have you learned anything about the disciplinary proceedings concerning Mandoyan?

A I have not. 10:13AM

Q To be fair, you also mentioned that you read some media reports, so I'll include media reports as one of the other bases for having learned anything about disciplinary proceedings. Since you already said you have not as to the others, I assume if I give you another -- another category of information to rely on, your answer is still you have told me everything you now have learned that you're aware of about the disciplinary proceedings against Mandoyan; is that right? 10:13AM

A Well, if you wish to include media, I still do read the newspaper and I do read about the county, so to the extent that there have been media reports concerning either the sheriff or Deputy Mandoyan, I most likely have read those. 10:13AM

Q Okay. I assume you had no involvement in the civil service commission proceedings concerning Mandoyan. Is that fair?

A That's correct.

Q While you were the auditor-controller, did you know anything about any civil service commission proceedings concerning Mandoyan? 10:14AM

A Not prior to the issue of Deputy Mandoyan having been reinstated which we discussed earlier in the deposition. I had no prior knowledge of any 10:14AM

civil service commission proceeding in that respect.

Q I'm now handing to the court reporter a document entitled "Declaration of John Naimo In Support of Petitioner Plaintiff's County of Los Angeles' Application For Temporary Restraining Order and Order to Show Cause." It looks like it's 18 pages. 10:15AM

(Defendant's Exhibit 9 was marked for identification.)

BY MR. GORDON: 10:15AM

Q Would you look at that and tell me whether you -- you recognize it other than the fact that certain portions relating to personnel record information appear to have been blacked out and redactions. 10:15AM

A I have the document in front of me and I am familiar with it, yes.

Q When is the first time you ever learned of the existence of Carl Mandoyan?

A Most likely I first became aware of Carl Mandoyan through media reports concerning him that to the best of my knowledge began in mid-January. 10:15AM

Q Of 2019?

A Correct.

Q Now, looking at Pages 2 and 3 of Exhibit 9, 10:15AM

is that the declaration that we've been referencing during this deposition that you submitted or that was submitted on your behalf in support of the county's application for a Temporary Restraining Order? 10:16AM

A Yes, this is declaration that I signed and reviewed.

Q And when you signed and reviewed, it contained an Exhibit A and Exhibit B; is that right?

A That's correct. 10:16AM

Q And the documents in Exhibit A and Exhibit B in Exhibit 9 are the documents that were attached to your declaration at the time you signed it, but for the fact that certain confidential portions or sensitive personal information has been 10:16AM blacked out from certain portions of the records. Is that fair?

A That is correct.

Q Now, do you know who prepared the text of this declaration in Exhibit 8 -- sorry -- Exhibit 9? 10:17AM

A The two-page declaration?

Q Yes.

A This text was prepared in conjunction with the county counsel's office and with the involvement of my staff. 10:17AM

Q And who from the county counsel's office is it your understanding participated in preparing this declaration?

MS. HASHMALL: Objection; instruct you not to answer.

BY MR. GORDON:

Q Who from your staff participated in preparing the text of this declaration to your knowledge?

A Ms. Yip and Ms. Rinard would have been involved in the declaration process.

Q When you say they would have been involved, are you saying you assume they would be the people who were involved or are you saying you know they're the person?

A I do in fact know that this declaration was shared with them before I signed it. Their input was specifically sought.

Q Did you provide any of the information to anybody for -- that's in the declaration for inclusion in the declaration?

MS. HASHMALL: Objection; instruct you not to answer on any communications involving counsel.

BY MR. GORDON:

Q So, for example, irrespective of your

counsel's instruction, if you provided it to Ms. Yip or Ms. Rinard, can you answer -- are you willing to answer whether you provided any of this information to them so that it got into the declaration?

A I believe I shared with them the text that's contained in the declaration so that they were aware of what I was signing off on. 10:18AM

Q What I mean is I assume you didn't type up this declaration; right?

A Did I type it up from a blank piece of paper by myself? Is that the question? 10:19AM

Q Yeah. You're not the one who sat down and drafted all the language and prepared the declaration? I'm just trying to get that straight.

A That's correct. 10:19AM

Q There's information stated in the declaration though; right?

A Yes, there is.

Q And I'm just trying to confirm did you provide to Ms. Yip or Ms. Rinard any of the factual information that you now see on the first page of your declaration? 10:19AM

A Well, to the extent that it involved counsel, I'm instructed not to answer. What I can tell you is that to the extent that there is factual 10:19AM

information on here, I wanted to assure myself that -- that what I was declaring was consistent with both Ms. Yip and Ms. Rinard's perspectives on the whole matter.

Q And did you confirm with them which information -- strike that. 10:20AM

Which of the information contained in the four paragraphs did you confirm with Ms. Yip and Ms. Rinard was accurate to their knowledge?

A They were asked to look at the declaration in its entirety. It would have been especially of interest to me that they confirm for example that the dates upon which the auditor-controller received certain information were in fact consistent with their records and their recollection. 10:20AM

Q Now, Paragraph 2 of the declaration says in part (as read):

"A true and correct copy of documents the department of auditor-controller received from the sheriff's department is attached hereto as Exhibit A." 10:21AM

Do you see that --

A I do.

Q -- on lines 14 through 16? 10:21AM

A Yes.

Q Is Exhibit A a true and correct copy of all the documents the sheriff's department sent over that you're referencing in Paragraph 2 understanding that certain portions of those documents have been blacked out for this deposition? 10:21AM

A They are, yes.

Q Now, the first sentence in Paragraph 3 says (as read):

"That same day the department of auditor-controller alerted the office of the county counsel of the sheriff's department's request because the settlement agreement did not contain 10:21AM a signature by county counsel lawyer or a counsel operating under county counsel supervision which in the normal course it would." Do you see that? 10:22AM

A Yes.

Q Which settlement agreement were you referencing in the first sentence of Paragraph 3 of your declaration in Exhibit 9?

A There -- there's reference to a settlement 10:22AM

agreement that I believe was provided to my payroll staff, again, Ms. Yip and Ms. Rinard.

Q So what I'm -- why I'm asking is the -- Paragraph 2 says (as read):

"A true and correct copy of all the documents the Sheriff's Department provided is in Exhibit A," but I don't see a settlement agreement in Exhibit A. 10:22AM

MS. HASHMALL: Objection; misstates the document. 10:23AM

MR. GORDON: Let me reframe the question.

BY MR. GORDON:

Q Did Exhibit A at the time you submitted it for a filing in the proceedings on the TRO application contain a settlement agreement? 10:23AM

A There is -- there is not a settlement agreement attached to my declaration if that's the question.

Q No. I under -- I can see that for myself. 10:23AM

A Yes.

Q What I'm asking you is do you remember whether a settlement agreement was in the documents that you had as part of Exhibit A at the time you submitted the declaration for filing? 10:23AM

A No, I don't remember if it was there. I do recall that my staff represented to me that they had seen a copy of a settlement agreement.

Q Did you ever see a settlement agreement between the sheriff's department and Mandoyan prior to signing your March 1st declaration? 10:24AM

A I'm uncertain about whether it was before or after I signed the declaration. I eventually did see a document that purported to be a settlement agreement that was signed by an administrative person at the sheriff's department. When exactly I saw that I can't recall. 10:24AM

Q Is there any particular reason you didn't include a copy of the Mandoyan sheriff's department settlement agreement as part of the documents contained in Exhibit A to your declaration? 10:24AM

MS. HASHMALL: Objection; instruct you not to answer.

MR. GORDON: And what's the basis for the instruction -- instruction? 10:25AM

MS. HASHMALL: The decision as to what documents to include as an attachment to the declaration impermissibly intrudes upon his communications with his counsel and I'm instructing him not to answer. 10:25AM

BY MR. GORDON:

Q Now, in the first sentence of Paragraph 3, it says in part (as read):

"The settlement agreement did not contain a signature by a county counsel lawyer or a counsel operating under the county counsel supervisor which in the normal course it would." Do you see that? 10:25AM

A Yes. 10:25AM

Q What did you mean by saying that?

A What I meant is that it came to my attention that a form of settlement agreement was put into effect that was signed off by someone in an administrative capacity in the sheriff's department 10:25AM which had no information or other documentation if you will that the county counsel's office had either looked at or approved such a settlement.

Q And what did you mean specifically when you said "which in the normal course it would"? 10:26AM

A The normal course goes back to testimony I've previously given wherein I in consultation with the payroll staff and the auditor's department had seen many such reinstatements. My staff represented to me that those reinstatements were always 10:26AM

accompanied by documentation either prepared by or signed off by county counsel. That's what it is in reference to.

Q While you were auditor-controller, were you personally aware of whether settlement agreements calling for back pay in the normal course contained written approval either on it or accompanying it from the county counsel? 10:27AM

A No, I would not have had direct involvement in those matters.

Q Are you aware of the department of auditor-controller ever paying back pay to a county employee pursuant a settlement agreement that was not signed by a county counsel lawyer or lawyer operating under county counsel supervision? 10:27AM

A No, I am not.

Q And have you -- what, if any, investigation did you ever do to determine whether that in fact did happen?

A This is based on discussion with Ms. Yip, Ms. Rinard, assurances that they had discussed similar situations with their staff, and it was represented to me that the matter regarding Mandoyan was very unprecedented. 10:27AM

Q Paragraph 4 says (as read): 10:28AM

"Because county counsel has not approved the settlement agreement, the department of auditor-controller sent Mr. Mandoyan a letter explaining that his salary and other payments had been stopped."

And attached to your declaration as Exhibit B is a copy of a letter from you to Caren Carl Mandoyan dated February 28th, 2019; is that correct? 10:28AM

A Yes, that's correct.

Q Now, what was your basis for the statement in Paragraph 4 that county counsel had not approved the settlement agreement that you reference in Exhibit B? 10:28AM

A The -- the basis for the statement is that in consultation with my staff and the county counsel's office, there had not been an appropriate process or settlement agreement to restore Deputy Mandoyan to the county as an employee and to pay him. 10:29AM

Q Did you prepare any portion of the substance of the letter attached as Exhibit B to your declaration that is the February 28, 2019 10:29AM

letter to Mr. Mandoyan?

A I did not initially draft the letter. I did review it, reviewed it several times, and made recommended changes to it.

Q Which portions in this letter are your recommended changes? 10:30AM

A I believe they were limited to the last paragraph, and I would describe or characterize them as mostly technical in nature.

Q Can you be more specific about which sentences you're referring to in that -- when you say "last paragraph," you're talking about the second-to-the-last paragraph? 10:30AM

A Yeah. Not -- if you have any questions, the paragraph that begins "in light of the above," I wanted to make sure that all of those date references were in fact accurate, that my staff had the ability to take the action that this letter effectively was proposing to do, and so it would have been from that standpoint. 10:30AM 10:31AM

Q Now, going to the first sentence in the letter, it says (as read):

"Your September 14, 2016 discharge from the Los Angeles County Sheriff's Department (the 10:31AM

department) was made final by the civil service commission on May 23rd, 2018."

What was your factual basis for that assertion? In other words, what were you basing that on? 10:31AM

A My basis was that the civil service commission had in fact rendered its finding in the matter of Deputy Mandoyan's discharge.

Q And are you saying you personally checked the civil service commission -- 10:32AM

A I did not. I relied on counsel who is involved in such matters.

Q So can you tell me which, if any, factual assertions in this letter are ones that you personally determined the accuracy of as opposed to relying on someone else to do so? 10:32AM

A As I answered before, I didn't draft this. I did read it. I assured myself that I understood it, and that based on my conversations with counsel that it was factually correct with respect to those details that I don't have personal knowledge of. 10:32AM

Q And I'm just trying to determine are there any factual details in this letter that you do claim to have personal knowledge of as the basis for 10:33AM

including them in the letter that you signed?

A Again, I understood the circumstances that surrounded Mandoyan's reinstatement. I had concerns that he was on the payroll without authorization illegally, and I wanted to assure myself that the action that the county and my letter was proposing to take concerning Deputy Mandoyan could effectively be carried out by members of my staff at the time. 10:33AM

Q What was the basis for the assertion -- strike that. 10:33AM

Did you have any basis for your assertion in the first sentence of Paragraph 2? (As read):

"This letter is to notify you that under the Los Angeles County Charter and other laws, Sheriff Villanueva was without authority to settle your cases on behalf of the county." 10:34AM

A My basis for that assertion is again discussions with county counsel that have specific knowledge of the county charter in this area and the ways in which there is authority to reinstate any county employee including Deputy Mandoyan. 10:34AM

Q Which portion of the Los Angeles County charter were you referring to in your letter in the 10:34AM

first sentence of Paragraph 2?

MS. HASHMALL: Just to be mindful, Mr. Naimo, that you've been instructed not to answer any communications involving your counsel. That should not be disclosed. If you can answer this line of questioning without disclosing those confidential communications, go ahead, and if not, then you should follow my instruction.

THE DEPONENT: I do not have specific knowledge of the county charter provisions that specifically address the circumstances in the letter. I don't have direct knowledge of those provisions. 10:34AM 10:35AM

BY MR. GORDON:

Q Which quote other laws were you trying to convey to Mr. Mandoyan you were referring to in the first sentence of the second paragraph? 10:35AM

A I will repeat again that I am not aware of other laws as referenced in that sentence. I don't have direct knowledge of what those other laws are. 10:35AM

Q Do you have indirect knowledge of what those other laws are?

MS. HASHMALL: I'm just going to repeat my same instruction.

THE DEPONENT: No. It would be speculation 10:35AM

as to what those laws might be.

BY MR. GORDON:

Q Now, do you claim to be a legal expert on any of the assertions stated in your letter in Exhibit B to Exhibit 9? 10:36AM

A I am not a legal expert.

Q In the first sentence of Paragraph 3, it says (as read):

"Nor did Sheriff Villanueva have authority to reinstate you." 10:36AM

What was your basis for asserting that Sheriff Villanueva did not have authority to reinstate Carl Mandoyan to serve as a deputy?

A The information in Paragraph 3 was again described in consultation with county counsel's office. 10:37AM

Q Do you claim to have personal knowledge yourself of any of the legal basis asserted in Paragraph 3 of your February 28, 2019 letter to Carl Mandoyan? 10:37AM

A I do not claim that I have personal knowledge.

Q Do you claim to be -- strike that.

Do you claim to be a legal expert on any of the matters contained in Paragraph 3 of your 10:37AM

February 28, 2019 letter to Carl Mandoyan?

A I do not claim such, no.

Q Do you claim to be an expert on L.A. County civil service rules applicable to reinstatement of deputy sheriffs who have been discharged? 10:37AM

A I do not.

Q What's your basis for the assertion in the first paragraph -- first sentence of the next-to-last paragraph on Page 18 of 18 which is Page 2 of your February 28th letter? (As read): 10:38AM

"In light of the above, your discharge from the department made final by the civil service commissions May 23rd, 2018 order remains in full force and effect." 10:38AM

A I'm sorry. Could you please repeat the beginning of the question?

Q What's your basis for that assertion?

A My basis for the assertion is the -- the cumulative effect of the discussions I had with my 10:38AM staff and the advice from counsel and my belief that Deputy Mandoyan was placed on the payroll without authorization.

Q Now, do you claim to have any personal knowledge of the legal basis for the assertion that 10:39AM

the discharge made final by the civil service commission's May 23rd, 2018 order remained in full force and effect?

A Again, as I've stated with other parts of this letter, my information was derived in consultation with the county counsel's office. 10:39AM

Q And was that the only basis you have for making the assertion in the first sentence of the top paragraph on Page 2 of your letter?

A I would add the conversations with payroll staff that I've mentioned and the unprecedented nature of Deputy Mandoyan's reinstatement. 10:39AM

Q Now, in the second sentence of the top paragraph on Page 2 of your letter to Deputy Mandoyan says (as read): 10:40AM

"Please be advised that you are no longer a county employee."

Do you see that?

A I do.

Q Do you claim to have personal knowledge of the legal basis for that assertion? 10:40AM

A I am comfortable that there was a legal basis. I do not have a specific legal interpretation of that basis.

Q You're relying on someone else as the 10:40AM

legal -- to provide the legal basis for that assertion; is that right?

A That's correct.

Q Now, as auditor-controller, did you have authority to instruct an employee of the sheriff's department to immediately turn in any and all county property? 10:41AM

A The intent of that sentence was to cause the employee to discontinue working after February 22nd. 10:41AM

Q But my question is did you as auditor -- I'll rephrase my question.

As auditor-controller, did you believe that you had the legal authority to instruct an employee of the sheriff's department to immediately turn in any and all county property? 10:41AM

A In consultation with the county counsel's office, I did in fact believe and understand that I had the authority to make that statement, yes.

Q Other than hearing from county counsel whatever you heard from them, did you have any other basis for believing that you as the auditor-controller had the legal authority to direct a sheriff's department employee to turn in any and all county property? 10:41AM 10:42AM

A No.

Q And with respect to the last sentence of the top paragraph on Page 2 of your February 28 letter to Carl Mandoyan, you said (as read):

"You are not authorized to serve as a department employee."

I have the same question. That is did you believe you had the legal authority to tell Carl Mandoyan that he was not authorized to serve as a department employee? 10:42AM

A Yes, I did. Again, for same reasons that I had mentioned earlier. I in consultation with county counsel determined that I did have the ability to communicate to Deputy Mandoyan that he was not authorized to serve as a county employee. 10:42AM

Q And did you have any reason or basis for making that -- for believing -- strike that.

Did you have any reason other than communications with county counsel to believe you had the legal authority to make the assertion in the last sentence of the top paragraph on Page 2 of your letter to Mandoyan? 10:43AM

A No. There's nothing else I could cite beyond the county counsel's advice.

MR. GORDON: All right. Let's take a short 10:43AM

break. About five minutes.

THE VIDEOGRAPHER: One moment. We're off the record. The time is now 10:43 and this will be the end of Disk 1 of the deposition of Mr. John Naimo. 10:43AM

(Recess.)

THE VIDEOGRAPHER: Just one moment, please. We're back on the record. The time is now 10:48. This is Disk 2 of the deposition of Mr. John Naimo.

BY MR. GORDON: 10:48AM

Q Before I ask a whole series of questions, let me see if I can avoid that need by asking you to confirm. Did you say that you first learned of the existence of Mandoyan somewhere around January of 2019? 10:49AM

A That's correct.

Q Between the time you first learned of Carl Mandoyan and the day you retired as auditor-controller, did you ever communicate with Maya Lau of the L.A. Times about anything concerning 10:49AM the sheriff's department?

A Maya Lau would e-mail me regarding many sheriff matters seeking public record information. It's possible that in her many inquiries to me Deputy Mandoyan was the subject of one or more of 10:49AM

those.

Q And did you ever communicate anything back to Maya Lau between the time you first learned -- strike that.

Between the time you first learned of Carl Mandoyan and the day you retired as auditor-controller, did you ever communicate any information about the Mandoyan matter back to Maya Lau of the L.A. Times? 10:50AM

A No, I did not. 10:50AM

Q Between the time you first learned of Carl Mandoyan and the day you retired from county service, did you ever communicate with any person you believe to be a member of the media about the Mandoyan matter? 10:50AM

A No, I didn't.

Q And by that I'm saying did you communicate any information or documents back to the person?

A To a member of the media?

Q Yeah. 10:50AM

A No.

Q Either directly or indirectly so far as you know?

A So far as I know. I referred all media issues if there were any, and I believe there were 10:50AM

at least one or more from reporter Maya Lau to the county counsel's office for their disposition.

Q Do you remember any of the particular subjects of any of the inquiries Maya Lau made about the Mandoyan matter to you while you were auditor-controller? 10:51AM

A No, I don't remember the particulars.

Q So during the time you were auditor-controller, did you ever send any documents concerning the Mandoyan matter to someone you believe to be a member of the media? 10:51AM

A No.

Q After retiring from the position of auditor-controller, did you ever communicate any information about the Mandoyan matter to anyone you believe to be a member of the media? 10:52AM

A No.

Q After retiring from the position of auditor-controller, did you ever communicate any document about the Mandoyan matter to anyone you believe to be a member of the media? 10:52AM

A I did not.

Q About how many times do you think you communicated with county counsel concerning the Mandoyan matter while you were auditor-controller? 10:52AM

MS. HASHMALL: Objection; instruct you not to answer.

BY MR. GORDON:

Q After retiring as auditor-controller, about how many times, if any, did you communicate with county counsel office about the Mandoyan matter? 10:53AM

MS. HASHMALL: Objection; instruct you not to answer.

BY MR. GORDON:

Q During the time you were auditor-controller, did you ever communicate with anyone in the board of supervisor's office concerning the Mandoyan matter? 10:53AM

MS. HASHMALL: Objection; I'm going to instruct you not to answer if any of your communications involving the board members also involved legal counsel. 10:53AM

THE DEPONENT: I do not recall any discussions concerning Mandoyan with either the board of supervisors nor their staff. 10:53AM

BY MR. GORDON:

Q After you retired as auditor-controller, did you ever communicate with anyone from the board of supervisors or their staff concerning the Mandoyan matter? 10:54AM

A No.

Q While you were auditor-controller, did you communicate with anyone from the office of inspector general about the Mandoyan matter?

MS. HASHMALL: Same instruction. If your communications involved counsel in any way, you're instructed not to answer. 10:54AM

THE DEPONENT: I did not communicate.

BY MR. GORDON:

Q After -- you did not communicate with OIG? 10:54AM

A Correct.

Q After you retired as auditor-controller, did you have any communications with anyone from the Office of Inspector General's from the OIG regarding the Mandoyan matter? 10:54AM

A I did not.

Q Have you ever testified as a witness at a trial?

A No.

Q And at the very beginning you said you had testified at a deposition before I think? 10:55AM

A Yes. I've been deposed four or five times.

Q What kind of cases were those?

A One case was a whistleblower lawsuit against the county. Another one was a sewer backup 10:55AM

dispute. A third one that comes to mind is an instance where the county was the plaintiff against certain energy providers and I was deposed in that matter.

Q Is that the -- is that all you can recall about these cases, about the nature of those cases? 10:55AM

A Yes.

Q Have you ever served as an expert witness?

A I have not.

Q Since retiring as auditor-controller, have you ever been interviewed in connection with the Mandoyan matter? 10:56AM

A No.

Q Are you aware of any conduct by Alex Villanueva that you haven't already discussed in this deposition that you consider to be inappropriate? 10:56AM

A No.

Q Are you aware of any conduct by any officer at the rank of chief or higher in the Villanueva administration that you consider to be inappropriate? 10:56AM

A I am not.

MR. GORDON: Let's take a short break. I may be finished. 10:57AM

THE VIDEOGRAPHER: One moment, please. We're off the record. The time is 10:56.

(Recess.)

THE VIDEOGRAPHER: We're back on the record. The time is 11 o'clock. 11:00AM

MR. GORDON: Okay. I have a few final questions before I wrap up.

BY MR. GORDON:

Q Are you aware of whether anyone employed by the board of supervisors learned of any desire by 11:00AM the Villanueva administration to return Carl Mandoyan to work as a deputy -- that's bad syntax. Let me restate it.

Are you aware of anyone employed by the board of supervisors including any supervisors who 11:01AM before Carl Mandoyan was returned to duty learned of the sheriff's desire to return him to duty?

A I am not aware of that.

Q Same question for anyone employed by the executive office of the board of supervisors. 11:01AM

A I'm not aware of that either.

Q Same question as to anyone employed by the Office of Inspector General.

A And I'm not aware of that either.

Q Same question as for any officer in the 11:01AM

office of county counsel.

A I'm not aware of that either.

Q And do you claim to have personal knowledge of the county rules concerning rehiring of peace officers? 11:01AM

A I don't have direct knowledge.

Q Do you claim to have personal knowledge of the county's rules for reinstating peace officers?

A I don't have direct knowledge in that area either. 11:02AM

MR. GORDON: All right. I have no further questions.

MS. HASHMALL: Mr. Naimo, I just have one -- a clarifying question. 11:02AM

EXAMINATION

BY MS. HASHMALL:

Q You described earlier being aware of certain documentation that had been transmitted to members of your staff from the sheriff's department. 11:02AM

Do you recall that testimony?

A Yes.

Q And you described your conclusion that this was very unprecedented, this reinstatement of Mr. Mandoyan. 11:02AM

Do you recall that testimony as well?

A Yes.

Q What -- what about this reinstatement was unprecedented from your perspective?

A I described it as unprecedented because the auditor-controller's payroll staff who represented to me that they had seen many similar such reinstatement processes were not aware of any prior to Deputy Mandoyan which -- where the documentation was not accompanied by the county counsel's signoff. And that's why in my view it was an unprecedented reinstatement. 11:02AM 11:03AM

MS. HASHMALL: No further questions.

FURTHER EXAMINATION 11:03AM

BY MR. GORDON:

Q And are you basing your assertion that it was unprecedented on information provided to you by your staff as opposed to your personal knowledge?

A That's correct. The -- the -- my basis for concluding in such a way, it was based on discussion with my staff who have many years of payroll experience. 11:03AM

MR. GORDON: I have no further questions.

MS. HASHMALL: No questions. 11:04AM

THE VIDEOGRAPHER: Okay. This concludes Disk 2 of the video deposition of Mr. John Naimo. The time is 11:03.

(Discussion was held off the record.)

MR. GORDON: The standard stipulation that we would propose would be relieve the court reporter of duties under the code. 11:04AM

The court reporter is to send the original transcript and exhibits to you as counsel for the witness with a copy to counsel for the deposing parties who is us. 11:04AM

The witness will have 30 days to review the transcript and make any corrections and submit to defense counsel any corrections in the original transcript signed under penalty of perjury and at the same time return the original exhibits. The 30-day period will run from the date plaintiff's counsel, you, receive the transcript and exhibits from the reporter. 11:04AM

If for some reason the original of the transcript is not corrected and/or signed and returned within 30 days, the transcript shall be deemed signed and a certified copy of the transcript shall be used as if you were -- as if it were the original version. 11:05AM 11:05AM

Deposing counsel will maintain custody of the original transcript and exhibits if returned by counsel for the witness and will lodge them in connection with any hearings as they may be necessary at least two days prior to the hearing upon request by you, plaintiff's counsel, and will lodge the original transcript with the court at the time of trial without any need for a further request by the witness' counsel. 11:05AM

If the original transcript and exhibit are unavailable for any reason, certified copies in lieu of originals could be used for all purposes. 11:05AM

MS. HASHMALL: So stipulated.

DEPOSITION REPORTER: Do you want a copy, ma'am? 11:05AM

MS. HASHMALL: Yes.

(Whereupon the deposition was concluded at 11:05 a.m.)

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I, JOHN NAIMO, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____, _____, at _____, _____.

(City) (State)

_____

JOHN NAIMO

I, the undersigned, a Certified Shorthand Reporter of the State of California, Registered Professional Reporter, Certified Live Note Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [ ] was [ ] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 24, 2019



RENEE A. PACHECO

CSR No. 11564 RPR, CLR

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California Code of Civil Procedure

Article 5. Transcript or Recording

Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

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T. Scott Mills (Bar No. 313554)
scottmills@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
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Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT

COUNTY OF LOS ANGELES,

Petitioner/Plaintiff,

vs.

ALEX VILLANUEVA, Sheriff of Los Angeles County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive,

Respondents/Defendants.

CASE NO. 19STCP00630

RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF JOHN NAIMO

Date: June 10, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017



TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010, *et seq.,* Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's Department will take the deposition of John Naimo on Monday, June 10, 2019 at 9:00 a.m., at the offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays, Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically and videotaped, and may be used at trial. The deposition may also be recorded through the instant visual display of the testimony. The deposition will be taken before a notary public or authorized officers.

PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

DATED: May 6, 2019

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By John S. Gordon

John S. Gordon
Attorneys for Sheriff Alex Villanueva and Los Angeles County Sheriff's Department

EXHIBIT A

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve, did approve, or should have approved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS prepared, created, generated, or revised between December 3, 2018 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS prepared, created, generated, or revised between November 26, 2018 and the present RELATING TO the process, rules, system, or approval requirements for the settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating "The County Counsel . . . shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party."

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

EXHIBIT 1

SUBP-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017 TELEPHONE NO.: FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: County of Los Angeles DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	CASE NUMBER: 19STCP00630

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known)*:
John Naimo

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: June 10, 2019 Time: 9:00 a.m. Address: 865 South Figueroa St., 10th Floor Los Angeles, CA 90017

a. [ ] As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
b. [X] You are ordered to produce the documents and things described in item 3.
c. [X] This deposition will be recorded stenographically [X] through the instant visual display of testimony and by [ ] audiotape [X] videotape.
d. [X] This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:

[X] Continued on Attachment 3.

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

[ ] Continued on Attachment 4.

5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019

▶ John S. Gordon
(SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon (TYPE OR PRINT NAME) (Proof of service on reverse) Attorneys for Defendants (TITLE)

Form Adopted for Mandatory Use Judicial Council of California SUBP-020 [Rev. January 1, 2009]

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

Legal Solutions Plus

Code of Civil Procedure §§ 2020.510, 2025.220, 2025.230, 2025.250, 2025.620; Government Code, § 68097.1

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:
   a. Person served *(name)*:
   b. Address where served:
   c. Date of delivery:
   d. Time of delivery:
   e. Witness fees and mileage both ways *(check one)*:
      (1) ☐ were paid. Amount: . . . . . $ 0.00
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify)*: . . . . . $ 0.00
   f. Fee for service: . . . . . $ 0.00
2. I received this subpoena for service on *(date)*:
3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. ☐ Registered professional photocopier
   g. ☐ Exempt from registration under Business and Professions Code section 22451
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

ATTACHMENT 3

DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.

2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.

3. "COUNTY" means the County of Los Angeles.

4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.

5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.

8. "LASD" means the Los Angeles County Sheriff's Department.

9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).

11. "SHERIFF" means the Los Angeles County Sheriff.

12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's Department.

13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex Villanueva.

INSTRUCTIONS

14. DOCUMENTS shall be produced in their original file folders, or any writing on the file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied and appended to the DOCUMENT and the person, department, division, or office for whom or which the DOCUMENT or the file folder is maintained shall be identified.

15. DOCUMENTS attached to each other shall not be separated.

16. Electronically stored information shall be produced in its native electronic application and format. Electronically stored information shall be produced with all metadata and shall not be altered in any way.

17. If you withhold any DOCUMENT based on some limitation of discovery, including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for exclusion from discovery.

18. If you lack the ability to comply with a request, you must specify whether the inability to comply is because the particular DOCUMENT, item or category never existed; has been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was once in YOUR possession but is no longer. You must also state the name and address of any person known or believed by you to have possession of a DOCUMENT, item or category for which you lack the ability to comply with a request for production.

19. If a DOCUMENT, item or category has been destroyed or discarded, identify that DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all addressees, recipients and intended recipients, including any blind copies indicated; (c) the date created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if any; (e) the number of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with whom there was a communication concerning the DOCUMENT, including all persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h) the name and address of any person known or believed by you to have possession of a copy of the DOCUMENT, item or category that was discarded or destroyed.

20. These requests call for the production of DOCUMENTS or things in YOUR possession, custody or control, or in the custody or control of another if you have the right, privilege or opportunity to examine it upon request or demand, whether or not such right, privilege or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or control of any person or entity who performed management, bookkeeping, accounting, finance or any similar service for you at any time, should be produced.

21. "All" includes "any" and "any" includes "all."

22. "All" includes "each" and "each" includes "all."

23. "Each" includes "every" and "every" includes "each."

24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside their scope.

25. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

26. The singular form of any word shall be construed to include the plural, and the plural form of any word shall be construed to include the singular.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a lawsuit brought against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve, did approve, or should have approved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS prepared, created, generated, or revised between December 3, 2018 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS prepared, created, generated, or revised between November 26, 2018 and the present RELATING TO the process, rules, system, or approval requirements for the settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case pending before the COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for a settlement payment of $100,000 or less or a settlement payment of less than $100,000.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATING TO the settlement between January 1, 2013 and December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating "The County Counsel . . . shall have exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party."

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final COMMISSION action making a DEPUTY's discharge final.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the present, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final COMMISSION action making the employee's discharge final.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation to or for MANDOYAN.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear

a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or other compensation, at any point between , at any point between January 1, 2013 and December 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's supervision.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's opposition to VILLANUEVA for SHERIFF in the 2018 election.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any actions by said Panel or Commission concerning the review and/or rescission of the disciplinary proceedings and discharge of MANDOYAN or any other DEPUTY.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris) Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

communications and receipt of instructions from COUNTY COUNSEL or any member or employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission regarding the review of or rescission of the disciplinary proceedings and discharge of MANDOYAN.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any recommendation by any senior executive member or officer of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits MANDOYAN had filed against the COUNTY and LASD.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, since January 1, 2018, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring, between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATING TO any determination or evaluation or analysis of "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the COUNTY to through their actions concerning MANDOYAN.

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 6, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF JOHN NAIMO** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 6, 2019, at Los Angeles, California.

Rita Turner

[Exempt From Filing Fee
Government Code § 6103]

LOUIS R. MILLER (State Bar No. 54141)
smiller@millerbarondess.com
MIRA HASHMALL (State Bar No. 216842)
mhashmall@millerbarondess.com
EMILY A. SANCHIRICO (State Bar No. 311294)
esanchirico@millerbarondess.com
MILLER BARONDESS, LLP
1999 Avenue of the Stars, Suite 1000
Los Angeles, California 90067
Telephone: (310) 552-4400
Facsimile: (310) 552-8400

Attorneys for Petitioner/Plaintiff
COUNTY OF LOS ANGELES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,

Petitioner/Plaintiff,

v.

ALEX VILLANUEVA, Sheriff of Los Angeles County Sheriff's Department; CAREN CARL MANDOYAN, an individual; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; and DOES 1 through 10, inclusive,

Respondents/Defendants.

CASE NO.

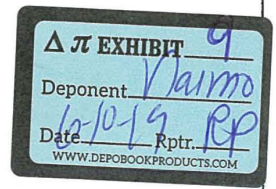
DECLARATION OF JOHN NAIMO IN SUPPORT OF PETITIONER/PLAINTIFF'S COUNTY OF LOS ANGELES' APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

Filed Concurrently with Application for Temporary Restraining Order and Order to Show Cause; Request for Judicial Notice; Declarations of Castellano, Garrett, Hashmall, and Wickham; Motion to Seal; and [Proposed] Orders

UNREDACTED VERSION

LODGED CONDITIONALLY UNDER SEAL

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400



DECLARATION OF JOHN NAIMO

I, John Naimo, declare as follows:

1. I am Auditor-Controller for the County of Los Angeles (the "County"), a position I have held since 2014. As the Auditor-Controller for the County, I am responsible for overseeing the Los Angeles County Department of Auditor-Controller. I have personal knowledge of the facts set forth herein. I can competently testify to the matters stated herein based on my experience and my knowledge of the usual business practices of the Department of Auditor-Controller including, but not limited to, its recordkeeping practices, my job responsibilities, and personal knowledge based on my review of relevant documentation related to the subject matter at issue in this litigation. If called as a witness, I could and would competently testify to the matters stated herein.

2. On February 5, 2019, the Department of Auditor-Controller received a request from the Los Angeles County Sheriff's Department to pay Caren Carl Mandoyan back pay for the period from [redacted] through [redacted]. A true and correct copy of documents the Department of Auditor-Controller received from the Sheriff's Department is attached hereto as **Exhibit A**.

3. That same day, the Department of Auditor-Controller alerted the Office of the County Counsel of the Sheriff's Department's request because the settlement agreement did not contain a signature by a County Counsel lawyer or a counsel operating under County Counsel supervision, which in the normal course it would. Therefore, the Department of Auditor-Controller asked the Office of the County Counsel how to proceed.

4. Because County Counsel had not approved the settlement agreement, the Department of Auditor-Controller sent Mr. Mandoyan a letter explaining that his salary and other payments had been stopped. A true and correct copy of a February 28, 2019 letter I sent to Mr. Mandoyan is attached hereto as **Exhibit B**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552 4400 FAX: (310) 552 8400

Executed on this 1st day of March, 2019, at Los Angeles, California.

John Naimo

John Naimo

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

INDEX OF EXHIBITS TO THE DECLARATION OF JOHN NAIMO

Exhibit No.	Description	Pg. No.
A.	Documents received from the Los Angeles County Sheriff's Department. dated February 5. 2019-	5-16
B.	Letter from John Naimo to Caren Carl Mandoyan, dated February 28. 2019	17-18

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

EXHIBIT A

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

February 1, 2019

Jennifer Yip, Chief
Countywide Payroll Division
Department of Auditor-Controller
525 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Chief Yip:

FINAL SETTLEMENT AGREEMENT ACTION
CAREN C. MANDOYAN - EMPLOYEE NUMBER 473892

Pursuant to a Settlement Agreement (Agreement) between the Sheriff's Department (Department) and Caren C. Mandoyan, executed December 28, 2018, and a subsequent Agreement Amendment, executed January 17, 2019, the Department rescinded the discharge action that was imposed on September 14, 2016, and reinstated Mr. Mandoyan to his Deputy Sheriff position. Mr. Mandoyan shall receive a [redacted] suspension, without pay, for the period of [redacted] through [redacted]. In accordance with the Order, Mr. Mandoyan shall receive retroactive salary, with applicable benefits, from [redacted], through [redacted]. Please amend your records to reflect this reinstatement.

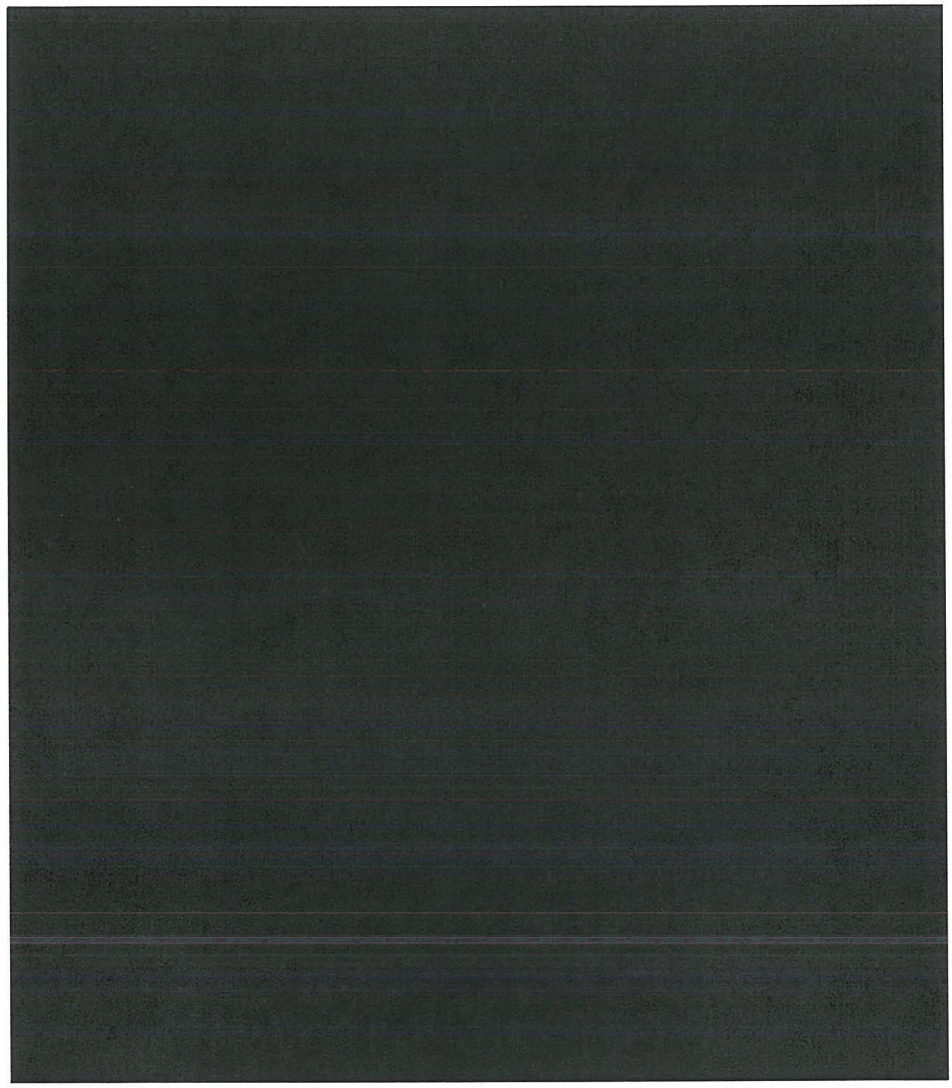
Listed below are the itemized computations for all back pay salary owed:

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE
[redacted]				

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE
[redacted]				

FEB 05 2019

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE



FEB 05 2019

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE
[redacted]				

FEB 05 2019

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE
[redacted]				

FEB 05 2019

ACCRUAL DATE	EARNINGS CODE	WAS PAID	SHOULD HAVE BEEN PAID	SALARY DUE
[redacted]				
[redacted]			Total Value:	
[redacted]				

It should also be noted that the employee is a [redacted] participant.

If you have any questions or concerns, please contact Payroll Clerk II Kathy Tran, of my staff, at (213) 229-1932.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Sandra Solis, Acting Director
Personnel Administration Bureau

FEB 05 2019

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES
HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

February 1, 2019

Lou Lazatin, Chief Executive Officer
Los Angeles County Employees Retirement Association
300 North Lake Avenue
Pasadena, California 91101-4199

Dear Ms. Lazatin:

CAREN C. MANDOYAN - EMPLOYEE NUMBER 473892

Pursuant to a Settlement Agreement (Agreement) between the Sheriff's Department (Department) and Caren C. Mandoyan, executed December 28, 2018, and a subsequent Agreement Amendment, executed January 17, 2019, the Department rescinded the discharge action that was imposed on September 14, 2016, and reinstated Mr. Mandoyan to his Deputy Sheriff position. Mr. Mandoyan shall receive a [redacted] suspension, without pay, for the period of [redacted], through [redacted]. In accordance with the Order, Mr. Mandoyan shall receive retroactive salary, with applicable benefits, from [redacted], through [redacted]. It should be noted that the employee is a [redacted] participant. Please amend your records to reflect this reinstatement.

Listed below is the itemized explanation of his monthly base salary:

Months	Monthly Base Salary
[redacted]	

Should you require additional information regarding this matter, please contact Payroll Clerk II Kathy Tran, of my staff, at (213) 229-1932.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Sandra Solis, Acting Director
Personnel Administration Bureau

FEB 05 2019

Attachment A

UNDERPAYMENT SCHEDULE
(OVERTURNED DISCHARGE)

Employee Name: Caren C. Mandoyan

[redacted]

_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____
_____	_____	_____	_____	$_____	$_____

TOTAL UNDERPAYMENT AMOUNT: $ [redacted]

C Barnuelo
Payroll Manager Signature

2/1/19
Date

FEB 05 2019

ATTACHMENT B

RESTORATION OF LEAVE HOURS PAID & LOST AT TERMINATION
OVERTURNED DISCHARGE

Employee Name	Mandoyan, Caren C.
[redacted]	

Pay Event Type	Pay Event Date	Input Amt.	Pay rate	Dollar	Doc. Code
[redacted]					

Total Leave Amount: [redacted]

CBanuelos
Payroll Manager Signature

2/1/19
Date

FEB 05 2019

TC Cancellation

CSD: 10/02/2006

AUDITOR	OUTGOING REPORT	O/S ☒	SUP ☐	RPT. NO. 039	DATE 01/25/19

EMPLOYEE NAME	EMPLOYEE NO.	DEPARTMENT NAME	DEPT. NO.
MANDOYAN, CAREN C.	[redacted]	[redacted]	[redacted]

ITEM TITLE	
[redacted]	[redacted]

[redacted]

TOTAL

[redacted]

[redacted]

ADJ EARNINGS		FICA TAX TD	O/S DEDUCTIONS	VERIFIED
	[redacted]			

[redacted]

REMARKS: _____

BY Alex Villanueva, Sheriff

76O805R (9/89)

Kathy Tran (213) 229-1932

FEB 05 2019

UNEMPLOYMENT INSURANCE BENEFITS VERIFICATION
OVERTURNED DISCHARGE

Employee Name: Caren C. Mandoyan

[redacted]

[redacted]

5. Address of the Employment Development Department (EDD) office:
N/A

CBamudo — Payroll Manager Signature

2/1/19 — Date

FEB 05 2019

EXHIBIT B

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

JOHN NAIMO
AUDITOR-CONTROLLER

CONFIDENTIAL

February 28, 2019

Mr. Caren Carl Mandoyan
Sheriff's Department
Hall of Justice
211 W. Temple Street, 8th Floor
Los Angeles, California 90012

[Hand Delivered Via Messenger and Acknowledgement of Receipt]

Re: Your Reinstatement by Sheriff Villanueva

Dear Mr. Mandoyan:

Your September 14, 2016 discharge from the Los Angeles County Sheriff's Department (the "Department") was made final by the Civil Service Commission on May 23, 2018. Notwithstanding this final Order, it is my understanding that you entered into an agreement with the Department whereby the Department purported to reinstate you to your former position of Deputy Sheriff in exchange for the dismissal by you of two civil actions filed by you, Writ of Mandate Case No. BS 174714 and Civil Action Case No. BC 719337. It is my understanding that the agreement was signed by the Chief of the Central Patrol Division and authorized by Sheriff Villanueva.

This letter is to notify you that under the Los Angeles County Charter and other laws, Sheriff Villanueva was without authority to settle your cases on behalf of the County. The County Charter and other authorities vest the County Counsel and the Board of Supervisors with sole and exclusive authority over civil actions and proceedings involving or concerning the County or a County officer. For that reason, your agreement with the Department is void.

Nor did Sheriff Villanueva have authority to reinstate you. The County Charter and the Los Angeles County Civil Service Rules require that all classified positions be filled from the current eligible civil service list. In addition, reinstatement after separation requires approval by the Director of Personnel. You were not on the current eligible civil service list and your reinstatement was not approved by the Director of Personnel. As such, your reinstatement was unlawful.

In light of the above, your discharge from the Department, made final by the Civil Service Commission's May 23, 2018 Order, remains in full force and effect. Please be advised that you are no longer a County employee. All salary and other payments to you, including benefits, were stopped effective February 22, 2019 at 5:00 p.m. Sheriff Villanueva was informed of this fact on February 20, 2019, but it is my understanding that he declined to communicate this message to you. You are instructed to immediately turn in any and all County property, including your weapon and badge. You are not authorized to serve as a Department employee.

If you have any questions regarding the above, please contact my office and I would be happy to discuss further.

Very truly yours,

John Naimo
Auditor-Controller

c: Board of Supervisors
Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Mary Wickham, County Counsel